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Author and Title

New Jersey, Laws, statutes, etc.
Acts of the legislature of the
state of New Jersey.

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ACTS

OF THE

ONE HUNDRED AND SIXTH LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

THIRTY-EIGHTH UNDER THE NEW CONSTITUTION.



PATERSON, N. J.:
CARLETON M. HERRICK.
1882.



The following General Public Laws passed at the One Hundred and Sixth Legislature, are compiled in accordance with the act entitled "An act relative to public printing," approved March 24th, 1882. which provides "that the laws shall be collated and indexed under the two heads of General Public Acts, Special Public and Private Acts." The General Public Acts are printed in the front part of the volume. The Joint Resolutions and Proclamations by the Governor are placed next after the General Public Laws, followed by a Table of Contents and Index. The Special Public and Private Acts follow in the order of their approval, and with Table of Contents and General Index of all the laws, &c., complete the same.

HENRY C. KELSEY,
Secretary of State.

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OF THE

ONE HUNDRED AND SIXTH LEGISLATURE

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GENERAL PUBLIC LAWS.

GENERAL PUBLIC ACTS

PASSED BY THE

ONE HUNDRED AND SIXTH LEGISLATURE.

CHAPTER I.

A Further Supplement to an act entitled "An Act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved April fourteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall hereafter be lawful for the persons qualified to vote at town meetings in and for the several townships of this state, at their annual town meetings, or at any other meeting or meetings duly held for the purpose, to vote, grant and raise any sum or sums of money, not exceeding three thousand dollars, at any one time, for the purchase of land and the erection and repairing of a lock-up, or place for the temporary detention of criminals or persons charged with the violation of law, in any of the said townships, which money so voted and granted, shall be assessed, levied and collected

Voters at town meetings may vote to raise sum of money for the purchase of land and erection of lock-up.

by the same persons, in the same manner, and under the like fees, fines and penalties as the money raised in such townships by the board of chosen freeholders of the county shall be levied, assessed and collected; and the said money shall be expended, and the said lock-up shall be under the direction and control of the township committee in and for the said townships.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1882.

GEORGE C. LUDLOW,
Governor.

JOHN T. DUNN,
Speaker of the House.

GARRET A. HOBART,
President of the Senate.

CHAPTER II.

An Act respecting coroners.

Vacancy, how
filled.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a vacancy in the office of coroner of any county in this state shall exist, it shall be lawful for the governor to fill such vacancy by appointment, and the commission of the person by him so appointed shall expire at the ensuing general election.

Person appointed
to execute bond
and take oath.

2. *And be it enacted*, That every person appointed as aforesaid, to fill a vacancy in the office of coroner, shall, before proceeding to execute such office, give the bond, and take and subscribe the oath or affirmation in manner and form as is prescribed by law for a coroner elect.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1882.

CHAPTER III.

An Act respecting the time of payment of the annual salaries of prosecutors of the pleas.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for convenience and uniformity, in all counties in this state in which the prosecutors of the pleas are now compensated by annual salary, said salaries shall be paid in monthly installments. Compensation to be paid in monthly installments.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall be a public act and take effect immediately. Repealer.

Approved February 10, 1882.

CHAPTER IV.

An Act to prevent vending, using or exploding, of guns, pistols, toy pistols, or other firearms, to or by persons under the age of fifteen years in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons, to sell, barter, or exchange, or to offer or exhibit for sale, barter or exchange, any gun, pistol, toy pistol, or other firearms in this state, to any person under the age of fifteen years. Unlawful to offer for sale firearms to persons under certain age.

2. *And be it enacted*, That it shall not be lawful for any person to sell, hire or loan to any person under the age of fifteen years, any gun, pistol, toy pistol or other firearms, When unlawful to sell or purchase firearms.

or for any person under the age of fifteen years to purchase, barter or exchange, or carry, fire or use any gun, pistol, toy pistol or other firearms in this state.

Penalty for violation.

3. *And be it enacted*, That any person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and on being thereof convicted shall be punished by a fine not exceeding one hundred dollars, or imprisonment at hard labor for any term not exceeding three months, or both, at the discretion of the court.

4. *And be it enacted*, That this act shall effect immediately.

Approved February 10, 1882.

CHAPTER VIII.

An Act for the relief of Randolph F. Disbrow.

Preamble.

WHEREAS, Randolph F. Disbrow, private of company B, seventh regiment, national guard of New Jersey, on duty with the New Jersey battalion at the centennial anniversary of the battle of Yorktown, Virginia, lost both his arms by the premature discharge of a cannon, while firing a salute October 19, 1881, therefore,

Pension to be paid in quarterly payments.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That there be paid to the said Randolph F. Disbrow, in quarterly payments from the treasury of this state, the same pension that he would have been entitled to receive under the law of this state if he had been wounded while in actual service; that the adjutant general shall certify the service, the disability and the pension to the comptroller of the treasury and the comptroller shall audit such pension, and the treasurer shall pay the same; and the pension shall commence from the date on which said injury was received.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 17, 1882.

CHAPTER IX.

An Act respecting deputy keepers of jails.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each deputy keeper or warden of any county jail in this state shall hereafter give bond to the keeper or warden or to the board of chosen freeholders by whom he has been appointed, in such sum as shall be required by the person or board, as the case may be, appointing him, conditioned for the faithful performance of his duties as such deputy keeper or warden, which bond shall be approved by the person or the board making the appointment of such deputy.

Deputy keepers
and wardens to
give bond.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 17, 1882.

CHAPTER X.

A Supplement to an act entitled "An act concerning roads" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any public road shall be laid out by surveyors of the highways, or by dedication and acceptance by the township committee, it shall be lawful for the qualified voters of any township in or through which the said road may be laid, at their annual meetings to vote, grant and raise by special resolution, such sum or sums of money as may be necessary for the

When public
road laid out vot-
ers may vote to
raise money for
the expenses and
damages of open-
ing and building
such road.

Money how assessed and collected.

Proviso.

Act, how applied.

purpose of defraying the expenses and damages of opening and building such road, or so much thereof as may lie in such township, which money so voted and granted shall be assessed, levied and collected by the same persons, in the same manner and at the same time that other township taxes are assessed, levied and collected, and shall constitute a special fund to be used for the purpose of defraying the expenses and damages of opening and building such road so laid out or dedicated and accepted as aforesaid, and for no other purpose whatever; *provided, however*, that in case more money is raised than is required to open and build such road, then, upon the completion of the road, the surplus shall be used and disposed of in the same manner that other moneys raised for the maintenance, working and repair of roads in such township are used and disposed of.

2. *And be it enacted*, That this act shall apply to all roads heretofore laid out, or dedicated and accepted, as in the foregoing section mentioned, which have been or have not as yet been opened and built.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 17, 1882.

CHAPTER XII

A Further Supplement to the act entitled "A further supplement to the act entitled 'An act for the settlement of the poor,'" [Revision], which supplement was approved March tenth, one thousand eight hundred and eighty.

Compensation for services rendered to be paid out of moneys raised for the maintenance of the poor.

1. BE IT ENACTED *by the Senote and General Assembly of the State of New Jersey*, That the overseer of the poor, the justice of the peace and the constable in and for any township of this state, for the services required to be performed by them under the thirty-first section of the act for

the settlement and relief of the poor, as amended by chapter one hundred and fourteen of the public laws of one thousand eight hundred and eighty, to which this is a supplement, shall be entitled to have and receive, out of the money raised for the maintenance and support of the poor, such fees and compensation for services rendered as in the judgment of the township committee of such township shall seem reasonable and just; *provided*, said justice, after due examination, shall file with the clerk of such township an itemized bill, by him certified, of the services rendered by said justice, overseer and constable, respectively, for which certificate he shall be entitled to a fee of ten cents; *and provided further*, that no such bill shall be ordered to be paid by the said township committee, except at a regular meeting of said committee, and then only when such itemized bill shall be duly certified by said justice, and be approved by the township committee.

Proviso.

Proviso.

2. *And be it enacted*, That all towns corporate and cities governed by special laws and charters, shall be excepted from the provisions of this act.

Towns and cities excepted.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 17, 1882.

CHAPTER XIII.

A Supplement to "An act to prevent the introduction of malignant and other infectious diseases into this state," approved April fourth, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all vessels intending to go by the way of Raritan bay and Raritan river, or Arthur Kull sound, to any port now in existence in this state, between the first day of April and the first day of December in

Vessels to be subject to examination by health officer.

this or any other year hereafter, or at any time of the year that the board of health shall designate by order under their hands from time to time, from any port, island or other place in America lying south of Cape Henlopen, in order to prevent the introduction of contagious, malignant and infectious diseases of all kinds into the city of Perth Amboy and other ports of the state of New Jersey, shall be subject to examination by the health officer of the port of Perth Amboy.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1882.

CHAPTER XV.

An Act concerning cities in this state.

Power of board of finance to appoint corporation counsel and attorney and to fix salary, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state where a corporation counsel or attorney shall now or hereafter may be appointed by any city board other than the common council or board of aldermen; that in every such case hereafter the city board having the control of the finances of such city shall have the power of appointment of a corporation counsel or corporation attorney, or either of them, and power to fix the salary of such counsel or attorney of said city at a less amount than shall have been fixed by any existing law of this state now affecting such city; and such board shall have power, in all cases where a definite term of years for said offices is not now fixed by law, to make such appointment of such counsel or attorney for a definite term not exceeding two years, at a salary less than that named in any existing law; *provided*, that before entering upon the duties of any such office, such attorney or counsel shall execute a contract with the proper authorities of such city to perform the duties of his office for the salary fixed as aforesaid during the term fixed by said board, and thereafter such attorney or

Proviso.

counsel shall hold said office for the term so fixed at the salary fixed by said board, and such salary shall not be increased during said term.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 21, 1882.

CHAPTER XVI.

An Act in relation to the receiving and detention of prisoners in city, town and township prisons in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act in all cities, towns and townships of this state, where there is a prison, lock-up, police station, or place of detention for the reception and detaining of prisoners awaiting examination, trial, or final commitment at the hands of the proper authority or authorities of said cities, towns and townships, it shall be duty of the keeper or keepers, or other proper authority having charge of such prison, lock-up, police station, or place of detention, to receive on the proper and legal commitment of any justice of the peace of any county in which said prison is situated any prisoner or prisoners, and detain the same for hearing on the order and commitment of said justice for examination, commitment to the county jail, or for trial before said justice, for any period not exceeding forty-eight hours.

Keepers of prisons, lock-ups, police stations to receive and detain prisoners for hearing.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 21, 1882.

CHAPTER XVII.

An Act to amend an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section thirty-one of the act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and is hereby amended so as to read as follows :

Annual meeting
for election of
school district,
when to be held.

31. *And be it enacted*, That an annual meeting for the election of school trustees shall be held in each district on the Tuesday of the week following the annual town meeting, at the district school house, if there be one, and if there be none, at a place to be designated by the district clerk, who shall post notices thereof, specifying the day, time, object and place of such meeting, in at least three public places in the district, one of which shall be at the school house, if there be one, at least ten days previous to the time of meeting; the voters shall be legal voters of the district, and a plurality of votes shall elect; and no person shall be eligible to the office of trustee unless he is a resident in the district; and further, no person shall be eligible to the office of school trustee unless he or she can read and write; but women who are residents in the district, and over the age of twenty-one years, shall also be eligible to the office of school trustee, and may hold such office and perform the duties of the same, when duly elected by the legal voters of the district; *provided*, that the term of office of any trustee which would otherwise expire on the first or second day of July in any year, shall expire on the Tuesday of the week following the annual town meeting of the same year.

Proviso.

2. *And be it enacted*, That section thirty-six of said act be and is hereby amended, so as to read as follows : Section amended.

36. *And be it enacted*, That he shall take annually, or the board shall cause to be taken, during the month of May, an exact census of all children residing in the district between the ages of five and eighteen, not including the children who may be inmates of poorhouses, asylums or almshouses, and shall specify the names and ages of such children, and the names of their parents or guardians (all children who may be absent from home attending colleges, boarding schools and private seminaries of learning, shall be included in the census list of the city, town or district in which their parents or guardians reside, and not be taken by the district clerk of the city, town or district where they may be attending such institutions of learning); and that he, or the person authorized to take the same, shall make a full report thereof, verified by him under oath or affirmation that the same is correct and true to the best of his knowledge and belief, on the blanks furnished for that purpose, to the county superintendent, on or before the first day of September next after his appointment, and keep a copy of the same for the use of the school trustees, and shall receive for his services such compensation as the board of trustees may allow. Census of school children, when taken.

3. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act relating to districts in townships in this state be and the same are hereby repealed. Repealer.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 21, 1882.

CHAPTER XIX.

An Act to provide for the examination in certain cases of applicants for admission as attorneys to the supreme court of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any citizen of this state above the age of twenty-one years presenting to the supreme court of this state at any stated term thereof a certificate signed by five counsellors at law of said court five years good standing that the said citizen is a person of good moral character and unusual aptitude in his knowledge of legal principles, and that the counsellors so certifying recommend that the said applicant be admitted to examination at the stated examination of the said court for admission as attorney, shall be by the said court, at any stated term thereof, admitted to such examination, and if found qualified after examination in the books now named by the supreme court in its amended rule relating to examinations of applicants for attorneys' licenses and recommended for admission as attorney by the examiners at such examination, he shall be so admitted to practice as an attorney of said court.

Applicants for admission of attorneys to supreme court may be examined and admitted to practice.

Repealer.

2. *And be it enacted*, That all acts and parts of acts and inconsistent with this act are repealed so far as the same relate to the particular persons so recommended and certified to as aforesaid.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 22, 1882.

CHAPTER XX.

An Act to authorize any city board, under certain restrictions, to pay the lowest bidder for an article heretofore supplied under contract, the full amount of the bid and interest, although in excess of the sum said board could legally expend therefor.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That where any party shall have heretofore furnished any city board, under written contract signed by the mayor and the president or presiding officer of said board and attested by the city clerk, any personal property, or shall have heretofore done any work required by said board; but the amount of the proposal of such party for said work or materials, as the lowest bidder shall have been in excess of the amount that could be legally expended by said board, that in every such case the board received such article or the benefit of such work, may, in addition to said legal expenditure, order paid the amount of said proposal in excess of the sum that the board could legally expend for said purposes together with interest thereon from the date said sum became due according to the provisions of said contract, and the board having in charge the finances of said city, may, if said board deems it a proper case therefor, borrow said sum thus ordered paid, and in that case such amount shall be placed in the next tax levy; *provided*, that in no case shall this be done unless there was competitive bidding for the contract awarded, and the contract shall have been given to the lowest bidder.

City board to pay to lowest bidder under contract the amount of bid and interest.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 24, 1882.

CHAPTER XXI.

An Act to authorize cities to license and regulate the erection of bill boards.

Cities authorized to license the erection of bill boards.

Proviso.

May pass ordinances for the regulation and protection of licensees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of finance, or other legislative body however designated of any city of this state, to license the erection of bill boards in any of the streets, roads or highways of any such city; *provided*, that in addition to the authority of any governing body of any such city the consent of property owners in front of whose premises said bill boards are proposed to be erected, shall be first had and obtained before the erection thereof; and it shall be lawful for said common council, board of finance or other legislative body of any city to exact an annual license fee from the person or persons obtaining consent to erect such bill boards, which said license fee may be levied and collected for the purpose of revenue.

2. *And be it enacted*, That the common council, board of finance or other legislative body of any such city, may pass ordinances for the regulation and protection of the rights of persons obtaining such license.

3. *And be it enacted*, That this act shall be a public act and shall go into effect immediately.

Approved February 24, 1882.

CHAPTER XXII.

An Act amending "An act to authorize the incorporation of rural cemetery associations and regulate cemeteries."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section ten of an act entitled "An act to authorize the incorporation of rural cemetery associations and regulate cemeteries" be amended to read as follows :

10. *And be it enacted*, That all lots or plats of ground designated on the maps filed as aforesaid, and numbered as separate lots by the corporation, shall be indivisible, but may be held and owned in undivided shares ; *provided*, that the boundaries of the unsold lots or plats of ground belonging to the corporation may be altered or amended, by and with the consent of a majority of the legal voters of said association present at any regular meeting of the corporation ; *and provided further*, that a supplemental map or maps of said cemetery lands, with such alteration of boundaries, shown thereon, be filed in the clerk's office of the county in which the lands be situated, one-half at least of the proceeds of all sales of lots or plats shall be first appropriated to the payment of the purchase money of the lands acquired by the association until the whole purchase money shall be paid, and the residue thereof to preserving, improving and embellishing the said cemetery grounds, and the avenues and roads leading thereto, and to defray the incidental expenses of the cemetery establishment ; and after the payment of the purchase money, and the debts contracted therefor, and for surveying and laying out the land, the proceeds of all future sales shall be applied to the improvement, embellishment and preservation of such cemetery and for incidental expenses, and to no other purpose or object, so long as such embellishment is incomplete.

Section amended.

Lots or plats of ground on maps to be held indivisible.

Proviso.

Repealer

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 24, 1882.

CHAPTER XXIII.

An Act to provide for the relief of the poor in cities.

Further appropriation for the aid and relief of the poor in cities may be made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the appropriation made for the aid and relief of the poor in cities for the year ending in one thousand eight hundred and eighty-one, has been already expended and was insufficient for the necessary relief of the suffering and destitute poor, it shall be lawful for the board of finance of any such city, or in the absence of such board, then the board of aldermen of any such city, to make a further appropriation at any time in such amount not exceeding two thousand dollars, as said board of finance or aldermen may deem reasonably necessary for the purpose of such aid and relief.

Board of finance authorized to borrow money and issue evidences of indebtedness.

2. *And be it enacted*, That said board of finance or aldermen is hereby authorized to borrow the amount of money which it may, by this act, appropriate for the purpose of such appropriation of taxes next thereafter to be levied, and to issue proper evidence of indebtedness therefor, which shall be signed by the mayor, sealed with the seal and attested by the clerk; and the said board of finance or aldermen, as the case may be, shall provide for the repayment of the said borrowed money in the tax levy to be made next thereafter, unless the same be previously paid.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 24, 1882.

CHAPTER XXIV.

A Supplement to an act entitled "A supplement to an act entitled 'A further act concerning taxes, making the same a first lien on real estate, and to authorize sales for the same,' " approved March fourteenth, one thousand eight hundred and seventy-nine, which said supplement was approved March twelfth, one thousand eight hundred and eighty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eight of the above supplementary act be amended to read as follows: Section amended.

8. *And be it enacted*, That it shall not be necessary to advertise for sale, or to issue warrant, or to sell any lands, tenements, hereditaments or real estate, purchased by "the inhabitants of the township," for non-payment of any taxes laid, assessed or imposed subsequent to the taxes for which said lands, tenements, hereditaments or real estate were so sold and purchased by "the inhabitants of the township;" but that such subsequent taxes shall be assessed in the name or names of the owners of said lands, tenements, hereditaments or real estate, as if no sale for taxes had been made or taken place, and such taxes so assessed shall be and remain a first lien on said lands, tenements, hereditaments or real estate, added to the original purchase money, and shall be paid to such township before such lands, tenements, hereditaments or real estate can be redeemed; and the assessor and collector shall each be entitled to receive, for assessing and collecting the said taxes, the same fees as those to which they would be entitled by law, in case the said lands, tenements, hereditaments or real estate had not been sold for taxes. Advertisements for sale and issuing of warrants or to sell lands for non-payment of taxes not necessary.

Subsequent taxes to be assessed and remain first lien on lands.

Assessor and collector to receive same fees now allowed by law.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 24, 1882.

CHAPTER XXV.

An Act to enable trustees of religious societies in incorporated towns, boroughs and cities to remove the bodies buried in church-yards to cemeteries.

Bodies buried in church yards, &c., may be removed by trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of any religious society in any incorporated borough, town or city in this state shall and may have the right and privilege to remove or cause to be removed any body or bodies buried in or upon the grounds belonging to any such religious society from such grounds or church-yards; *provided*, there is a cemetery under the control of a legally incorporated cemetery association in or near such incorporated borough, town or city; *and provided further*, that no trustee or trustees of any religious society shall remove or caused to be removed any body or bodies buried in or upon the grounds granted to any religious society for the use and purpose of a burying ground.

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Trustees not to remove bodies until they procure suitable place in a cemetery.

2. *And be it enacted*, That no trustees of any religious society shall remove or cause to be removed any body or bodies from their grounds under the provisions of this act unless they shall, prior to the removal of such body or bodies, procure a proper and suitable place in any cemetery for re-interment, and in the removal of any body or bodies under the provisions of this act such trustees shall cause such bodies to be conveyed to a cemetery and buried in a careful manner; and where any tombstones have been erected on or over the graves of any body or bodies removed under the provisions of this act, the trustees causing the removal of such body or bodys shall cause such tombstones to be re-erected over or on the graves in the cemetery to which such bodies shall be removed; any trustee or trustees who shall violate the provisions of this section in removing any body or bodies as herein

Tombstones to be re-erected.

Penalty for violation.

provided for, shall forfeit the sum of one hundred dollars, which penalty shall be collected by the overseer of the poor of any incorporated borough, town or city, in an action of debt, for the use of the poor.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 24, 1882.

CHAPTER XXVI.

An Act relating to turnpike companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any turnpike company shall not keep the road and bridges in repair, it shall be the duty of any judge of the court of common pleas of the county in which said road, or the part thereof complained of, or bridge, is situated, upon complaint being made to him, in writing, by any freeholder of said county, stating the bridge or part of road that is out of repair, and specifying the particular defect, and after five days' notice in writing to said company, specifying the particular part of the road or bridge, and the particular defect complained of, and after hearing the parties, if the said company should not have amended or repaired the bridge or part of the road complained of, to appoint under his hand and seal, three judicious, disinterested freeholders of the county in which said road, or part thereof complained of, or bridge, is situated, not residing in any township, borough or ward through which said road passes, who, having been duly qualified according to law to act impartially in the case, shall proceed to view and examine the said part of the turnpike road or bridge so complained of, and report to the said judge in writing, under their hands and seals or under the hands and seals of any two of them, whether it be in such state as the law requires it to be kept, and if the report be unfavorable to said road, said judge shall immediately, in writing, under his hand and seal, order the keeper or keepers of the gates or turnpikes to keep open the same until otherwise ordered; and if said keeper

Failure of company to keep road or bridges in repair judge of court may on complaint appoint freeholders to examine.

Report of condition to be made and judge may order gates open when report be unfavorable.

Penalty for opening gates and exacting toll.

or keepers shall, notwithstanding the order of the said judge to open said gates or turnpike, exact toll of travelers, the said company shall for each offence forfeit and pay ten dollars, to be sued for by any person who shall prosecute for the same, in an action of debt, with costs of suit; and the said judge shall be allowed for his services one dollar, and the persons appointed one dollar each, to be paid by the company; and upon satisfactory proof before said judge that said company shall have repaired or mended said road or bridge in the particular complained of, he shall, by license under his hand and seal, directed to the toll-gathers, permit the gates or turnpikes to be shut, and the toll collected as before, and the said fee shall be allowed and paid as before directed, but if, on the view before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and be paid by the person or persons making the complaint.

Turnpike companies may occupy public road that has been vacated.

Penalty for placing obstruction on turnpike road.

2. *And be it enacted*, That where any public road shall have been vacated for the purpose of constructing a turnpike road thereon, it shall be lawful for such turnpike company to occupy the whole width of such public road, if it shall be necessary so to do; and that if any person shall place or cause to be placed any obstruction in or along any turnpike road that shall interfere with the travel or with the drains, or in any wise damage said road or roads, every such person shall be liable to a penalty of five dollars, to be recovered in an action of debt, with costs of suit, and if such person shall allow such obstruction to remain, he shall be liable for an additional penalty of five dollars for each week he shall allow such obstruction to remain in or along such road after receiving notice in writing from such turnpike company to remove the same, which penalties are to be recovered by such turnpike company in an action or actions of debt, with costs of suit.

Repealer.

3. *And be it enacted*, That all acts and parts of acts, whether private or public, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 24, 1882.

CHAPTER XXVII.

A Further Supplement to an act entitled "An act to incorporate societies for the promotion of learning" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons, not less than five, desirous of founding and establishing an academy, high school or other institution for the promotion of learning in this state, may associate themselves together for that purpose, adopt a corporate name and make a certificate in writing of their organization, which shall state and set forth the following particulars:

Societies for promotion of learning may become incorporated.

- I. The names and residences of the persons making the certificate;
 - II. The corporate name adopted by them;
 - III. The location where the institution is proposed to be established;
 - IV. The proposed name of the institution;
 - V. The general purposes of the institution;
 - VI. The number of trustees for managing its affairs, and the names and residences of the persons who shall constitute the first board of trustees;
- which certificate shall be signed by the persons making the same, and the execution thereof acknowledged before some person or persons authorized by the laws of this state to take the acknowledgment of deeds; and being so signed and acknowledged shall be filed and recorded in the office of the secretary of state, for which said secretary shall be entitled to receive the sum of one dollar.

What certificate shall set forth.

Certificate how executed and where filed.

2. *And be it enacted*, That there shall be annexed to said certificate and filed and recorded therewith a declaration, signed by each person named as a member of the first board of trustees of the said institution, that he will ac-

Declaration to be annexed to certificate.

cept the responsibilities and faithfully discharge the duties of a trustee of said institution according to law.

Upon filing certificate persons constituted a body corporate.

3. *And be it enacted*, That upon the filing of the said certificate, with such declaration annexed thereto, the persons therein named as the first trustees of the said institution, and their successors, shall be and they are hereby constituted a body politic and corporate in law by the name specified in said certificate, with power to sue and be sued, to adopt and use a common seal, and to make by-laws and regulations for their government and the management of the said institution; and such corporation shall have, possess and enjoy all the rights, powers and privileges and be subject to all the liabilities of corporations created by or organized under the act to which this is a supplement, so far as the same do not contravene the provisions of this act.

Management of affairs vested in board of trustees.

4. *And be it enacted*, That the management of the affairs of any such corporation, and the regulation and government of such institution, shall be vested in a board of trustees, consisting of not less than seven nor more than fifteen members, all of whom shall be residents of this state, and a majority of the whole number shall be a quorum for the transaction of business; the persons named for that purpose in the certificate of organization shall be the first trustees, and for perpetuating a line of succession in such corporation, whenever any vacancy shall happen in the board of trustees by reason of the death, resignation, or removal from the state of any trustee, the remaining trustees may, by a majority vote of the whole number of members, elect a new trustee to fill such vacancy.

Corporation may have power to receive, hold, grant, &c., real and personal property.

5. *And be it enacted*, That for the purpose of maintaining such institution and carrying out the objects of its foundation, the corporation shall have power to receive, take and hold, by gift, grant or devise, all such real and personal estate as may be given to or bestowed upon it by its founders and other persons interested in said institution.

6. *And be it enacted*, That this act shall take effect immediately.

Approved February 24, 1882.

CHAPTER XXVIII.

An Act to repeal an act entitled "An act respecting the fees of county clerks and registers of deeds and mortgages in this state," approved March tenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act respecting the fees of county clerks and registers of deeds and mortgages in this state," approved March tenth, one thousand eight hundred and seventy-nine, be and the same is hereby repealed. Act repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 1, 1882.

CHAPTER XXIX.

An Act to repeal an act entitled "An act relating to fees of sheriffs," approved March tenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act relating to the fees of sheriffs," approved March tenth, one thousand eight hundred and seventy-nine, be and the same is hereby repealed. Act repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 1, 1882.

CHAPTER XXX.

An Act to encourage the establishment of public libraries in any town or municipality in this state, and to provide for taking care of and perpetuating the same.

Upon recording of deed trustees to become a body corporate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any person or number of persons shall have heretofore or shall hereafter subscribe any amount of money, not less than two thousand dollars, for the purposes of a public library, in any town or municipality in this state, and shall, by deed acknowledged in due form of law, appoint certain persons as trustees, not less than ten in number, to use and administer said trust or gift for the benefit of a public library; and shall, by said deed, provide that the said trustees may, for the proper management of any such library, and taking care of and perpetuating the same, fill any vacancies in their own number; such trustees shall, upon the recording of any such deed in the office of the clerk of any county where the said library is located, and in the office of the secretary of state, be and become a body politic and corporate in law, without capital stock, with such corporate name as may be provided for in any such deed of trust appointing said trustees.

Corporate rights and powers.

2. *And be it enacted*, That such corporation shall have the right of succession, to sued and be sued, with power to hold such real estate as may be necessary to carry out the purposes of a library for the benefit of the inhabitants of any such town or municipality; and such trustees may, from time to time, adopt all needful rules and regulations regarding their organization, the tenure of their own offices, the filling of all vacancies in their own number, the election of their own successors, and the use and management of any such library.

Trustees to adopt rules and regulations.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1882.

CHAPTER XXXI.

An Act to defray the expense of the constitutional commission.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of defraying the expense of the constitutional commission, appointed in pursuance of an act entitled "An act to provide for commissioners to prepare and suggest amendments to the constitution of this state," passed March 23, 1881, the treasurer of this state is hereby directed to pay, upon the warrant of the comptroller, the following sums: for the expenses of stationery, printing, advertising, postage, et cetera, incurred by said commission in the performance of their duties, an amount not exceeding five hundred and twenty dollars; to each of the secretaries the sum of five hundred dollars, and to the stenographer, the sum of five hundred dollars.

Treasurer authorized to pay expenses of constitutional commission.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1882.

CHAPTER XXXII.

An Act to authorize cities and boroughs to provide, by ordinance, for the licensing, regulating, restraining and taxing of auctions and auctioneers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of aldermen, com-

Cities and boroughs to provide by ordinance the licensing, &c., of auctions and auctioneers.

mon council, or other legislative body of every incorporated city or borough within this state, shall have power to provide by ordinance, for licensing, regulating, restraining and taxing of auctions, within the corporate limits of said city or borough, and of auctioneers carrying on or intending to carry on their said business within said limits, and to fix penalties for the violation of the same, and to prescribe the manner of collecting said penalties and of enforcing said ordinances.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 1, 1882.

CHAPTER XXXIII.

A Supplement to an act concerning roads, approved March twenty-seventh, one thousand eight hundred and seventy-four.

Public roads terminating upon margin of streams, owners of ferries established may demand and receive tolls.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, And it is hereby enacted by the authority of the same, that in all cases when any laid out public road or any road or street that has been heretofore or may hereafter be dedicated to the use of the public as a public highway, shall terminate and end at or upon the margin of a stream of water, and there now or hereafter may be a private ferry established on such stream, it shall be lawful for the owner or owners of such ferry or ferries to demand and receive such tolls as the board of chosen freeholders of the several counties of this state are authorized by law to fix and establish; *provided*, that this act shall not be operative within the limits of any incorporated town or city, nor shall such ferry be established as a public ferry within one mile above or below any chartered bridge company's bridge; *and provided, further*, that no traveler or other person

Proviso.

Proviso.

passing and repassing upon such public highway, shall be hindered or prevented from fording such stream or streams by reason of the provisions of this act, if they shall desire to do so.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1882.

CHAPTER XXXIV.

A Supplement to an act entitled "An act to provide for the assessment and payment of the costs and expenses incurred in constructing sewers and making other improvements in townships and villages," approved March twelfth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the township committee of any township in this state have applied for and obtained the appointment of commissioners to make a new assessment of the costs and expenses incurred in making an improvement in such township, under the provisions of the act to which this act is a supplement, the township committee, in any such township, shall pay to such commissioners, and to any engineer and counselem-
Township committees to pay compensation, fees and costs to commissioners, engineers, &c.
 employed by such commissioners, and to such judge appointing said commissioners, under said act to make said assessment, such compensation, fees and costs as have been or shall be taxed and allowed by the circuit judge of the county in which such township is situated, notwithstanding the act under which such commissioners were appointed may not be applicable to such township.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1882.

CHAPTER XXXV.

A Supplement to an act entitled "An act regulating proceedings in criminal cases," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Who to be admitted to witness death penalty inflicted.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, that in cases where the death penalty is inflicted, the sheriff shall admit to the execution, in addition to the persons now admitted by law, the accredited representative of the New York associated press, the accredited representative of the National associated press, and the accredited representatives of the local press of the county, not to exceed three in number.

Stenographer of court to be admitted.

2. *And be it enacted*, That the stenographer of the court of oyer and terminer may be present for the purpose of furnishing information to members of the press concerning the execution.

Repealer.

3. *And be it enacted*, that all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 1, 1882.

CHAPTER XXXVI.

An Act concerning corporations.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the bonds of any corporation created by or organized under any act of the legislature of this state, have been heretofore issued, and which bonds are due or about to become due, or may be paid by such corporation at its option, it shall be lawful for the board of directors of such corporation to increase its capital stock in order to provide means for the payment of such bonds, and for that purpose to issue and sell the shares of such increase of capital stock for cash only, and in such manner as they deem best, at a price not below the par value of such shares; but no greater number of shares shall be issued or sold than shall be sufficient to raise an amount sufficient for the payment of the principal sums secured by the said bonds and the interest accrued thereon; and certificates of stock shall be issued to the purchasers of such additional shares, upon payment in cash of the purchase price thereof; and the holders of the said shares of the increased capital stock hereby authorized, shall possess and exercise the same rights and privileges in all respects as are possessed and exercised by the holders of the other shares of the capital stock of said corporation, (other than the preferred stock thereof); and the proceeds of the sale of the shares representing such increase of capital stock shall be applied to the payment of such outstanding bonds as aforesaid, and to no other purpose whatever.

Board of directors may increase capital stock to provide means for payment of bonds that are due or about to become due, and to issue and sell shares of stock.

2. *And be it enacted*, That if the capital stock of any corporation shall be increased, as is authorized by the preceding section of this act, it shall be the duty of its president and secretary, within thirty days thereafter, to make a certificate under their respective oaths or affirmations

Certificate of increase to be filed and recorded.

tions, setting forth what bonds of such corporation have been paid by the proceeds of increased capital stock, and the number of shares of the increased capital stock thereof that have been issued for that purpose, and to cause such certificate to be filed and recorded in the office of the secretary of state of this state.

3. *And be it enacted*, That this act shall take effect immediately.

Passed March 2, 1882.

CHAPTER XXXVII.

An Act in relation to the improvement and maintenance of certain roads.

Board of freeholders authorized to work prisoners on roads titles of which are vested in the board.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any county in this state where the custody, rule, keeping and charge of the jail of such county, and of the prisoners in such jail, has been heretofore or shall be hereafter assumed by the board of chosen freeholders of such county according to law, it shall be lawful for such board to improve and keep in repair any road, or part thereof, in such county, the title to which has become vested in such board, and to put and keep at work thereon such prisoners detained in the county jail as may be lawfully required to work at hard labor; which prisoners may be taken from and returned to the custody of the warden or keeper of the county jail each day, under such rules and regulations as the said board may from time to time prescribe, and by such person or persons as the said board may employ for that purpose, and an escape from such person or persons shall be deemed an escape from jail; the said board may employ such agents and provide such implements as may be needed for carrying into effect the provisions of this act; *provided*, that the entire expense incurred hereunder in any one year shall not exceed one-fortieth of one per centum of the taxable valuation of such county for the next

Prisoners to be taken from custody of warden or keeper.

PROVISO.

preceding year, which expenditure may be in excess of any limit heretofore fixed by law for the annual expenditures for account of "public works" by any such board; and *provided further*, that all such expenses for men employed in the care and oversight of such prisoners while working upon any such road or roads shall be paid on demand to the board of chosen freeholders by any township or by any city using the labor of the prisoners under the provisions of this act. Proviso.

2. *And be it enacted*, That it shall not be lawful for any such board to incur any damages for widening or straightening, or for changing the lawfully established grade of any road or highway; and that this act shall not be construed to alter the provisions of any city charter in relation to the improvement of streets or highways, and no street or highway within the corporate limits of any city shall be improved or repaired by any board of chosen freeholders under the provisions of this act, without the written consent of the corporate authorities of such city first had and obtained for that purpose by such board. No damages for widening or changing grades of road to be incurred. Act how construed.

3. *And be it enacted*, That the warden or keeper of any county jail from which prisoners may be taken to be put and kept at work as provided in the first section of this act shall not be liable in any way for the escape of any prisoner during the time such prisoner shall be out of the custody of the warden or keeper and under the charge of the agents to be provided by the board of chosen freeholders as aforesaid, and every such agent shall give bonds to such board in such sum as shall be required conditioned for the faithful performance of his duties and the exercise of due diligence in the safe custody of prisoners entrusted to him and their prompt return to the jail whence they have been taken. Warden or keeper not liable for escape of prisoners out of his custody. Agents of board of freeholders to give bonds, &c.

4. *And be it enacted*, That this act shall take effect on the first day of May next. Act when to take effect.

Approved March 3, 1882.

CHAPTER XXXVIII.

A Supplement to an act entitled "An act to regulate the construction of sidewalks in the townships of this state," approved April fifth, one thousand eight hundred and seventy-eight.

Section amended, 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nine of the act to which this is a supplement be amended so that the same shall read as follows :

Repealer 9. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed ; *provided*, that this act shall not be taken as repealing any special act or acts, or any part or parts thereof, regulating the construction of sidewalks in any townships of this state, but this act shall be deemed and taken as granting an additional separate authority and method for the construction of sidewalks in any such township ; *and*
Proviso. *further provided*, that in any petition presented under this act the petitioners shall therein state that such improvement is petitioned for under the provisions of this act.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 3, 1882.

CHAPTER XXXIX.

An Act relating to the licensing and regulating of bill posters in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of finance, or other legislative body, however designated, of any city in this state, to provide by ordinance for the licensing of bill posters in any such city, and to adopt such rules, regulations and restrictions with reference to the conduct of the said business and the persons by whom it may be carried on, as to it shall seem proper; *provided*, that the consent of property owners in front of whose premises bill boards are erected, or bills posted shall be first had and obtained; and it shall also be lawful for said common council, board of finance, or other legislative body of any city, to exact an annual license fee from the persons engaged in said business, which said license fee may be levied and collected for the purpose of regulation.

Cities may provide by ordinances for the licensing of bill posters.

Proviso.

2. *And be it enacted*, That this act shall be a public act and shall go into effect immediately.

Approved March 3, 1882.

CHAPTER XL.

An Act to provide for the better protection of the drivers of horse cars on street passenger railroads in the cities and towns of this state.

1. BE IT ENACTED *by the Senate and General Assembly of*

Horse car rail-
roads to provide
seats for drivers of
cars.

the State of New Jersey, That hereafter all horse car passenger railroads in the cities and towns of this state shall provide a proper seat upon the front platform of each car for the use of the driver, on such car, when driving the same, under reasonable restrictions by the company operating such car as to the use of the said seat in going up or down grade or otherwise.

Penalty for failure
to comply with
requirements of
act.

2. *And be it enacted*, That any such company failing to comply with the requirements of the first section of this act, shall be liable to a penalty of twenty-five dollars, for each day, any car belonging to them, shall be in use without such seat, to be recovered in an action of debt, before any justice of the peace, or district court, in the county or city where such railroad may be, by any person suing for the same; one-half of said forfeiture to be paid to the county treasury of the county where such suit is brought, and one-half to the person who shall prosecute the same to effect.

Approved March 3, 1882.

CHAPTER XLI

Supplement to an act regulating fisheries.

When lawful to
commence fishing
for black bass
with hook and
line.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall be lawful to commence fishing in any of the waters of this state, with hook and line, for black bass, on the first day of June, in each and every year.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Approved March 3, 1882.

CHAPTER XLII.

A Supplement to an act entitled "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be unlawful to expose to public view the body of any person who shall have suffered the infliction of the death penalty either in this state or in any part of the United States for the crime of murder, after such body shall have been delivered from the custody of the sheriff; and it shall be unlawful to have any public funeral or gathering in connection with the burial of the body of any such offender.

Unlawful to expose to public view body who suffered infliction of death penalty

2. *And be it enacted*, That prior to the delivery of the body of any such person upon whom the death penalty shall have been inflicted to the relatives or friends, or to any person or persons, or to any association, the party or parties so applying for possession of such body, shall file with the sheriff having custody of such body, a bond in the sum of one hundred dollars, with two sufficient sureties, which bond shall be forfeited to the county in case of a violation of the provisions of this act; and if no application for such body be made, and bond filed, on or before the day on which the death penalty is inflicted, the sheriff may deliver such body to any surgeon or medical college for dissection, or he may cause such body to be otherwise properly disposed of.

Relatives or parties applying for body, &c., to file with sheriff a bond.

Bond when forfeited.

Sheriff may deliver body to any medical college when not applied for or bond given.

3. *And be it enacted*, That any person or persons offending against the provisions of this act, and being convicted, shall be deemed and adjudged to be guilty of a misdemeanor, and be punished by fine not exceeding two hundred and fifty dollars, or imprisonment at hard labor not exceeding six months, or both.

Penalty for violation of this act.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1882.

CHAPTER XLIII.

An Act in relation to public education.

Officer of public instruction intrusted with school funds to give security.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act any officer of public instruction of this state, being intrusted with the funds of any school board and not directed by law to give security for the same, shall enter into such security as any school board under whom he may serve shall direct, before entering on the duties assigned to him by said board.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1882.

CHAPTER XLIV.

An Act authorizing fire departments to renew matured and maturing bonds.

Fire departments authorized to renew matured and maturing bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any incorporated fire department in this state may, and it shall be lawful for such fire department to renew such of its bonds as have been legally issued and are now due, and to renew seventy-five per centum of such bonds as have been legally issued and that will become due on or, before the first day of July, in the

year eighteen hundred and eighty-four, by the issuing of bonds for that purpose in denominations of not less than one hundred dollars nor more than five hundred dollars, and payable in periods of time not exceeding ten years from the date of issuing the same, bearing interest not exceeding six per centum per annum, and which said bonds shall be signed by the president and treasurer of such fire departments, and shall have coupons attached for every half year's interest until due, and which coupons shall be signed by the treasurer of such corporation and numbered to correspond with the bond to which they shall be attached, and all bonds issued under this act shall be numbered, and a register of such numbers, and the date of issuing, and the time of payment, shall be made by the treasurer of such corporation, and which bonds may be sold at not less than their par value at either public or private sale.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1882.

CHAPTER XLVI.

An Act for the classification of cities of this state for the purposes of municipal legislation in relation thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, the classification of the cities of this state shall, for the purposes of municipal legislation in relation thereto, be as follows, viz.: "cities of the first class," "cities of the second class," "cities of the third class," "cities of the fourth class." Classification of cities into classes.

2. *And be it enacted*, That "cities of the first class" shall consist of all cities in this state that have within their territorial limits a population exceeding one hundred thousand inhabitants; that "cities of the second class" Cities of the first class.

Cities of the second class.

Cities of the third class.

Cities of the fourth class.

Laws hereafter enacted how construed and applied to and embrace all cities of the class referred to.

Courts of this state to take notice of the classification.

shall consist of cities in this state that have a population within their territorial limits of not less than twelve thousand nor more than one hundred thousand inhabitants; and that "cities of the third class" shall consist of all cities in this state not embraced within either the first or second class as herein distinguished, except cities binding upon the Atlantic Ocean, and being seaside or summer resorts; "cities of the fourth class," shall consist of the cities of this state binding upon the Atlantic Ocean and being seaside or summer resorts.

3. *And be it enacted*, That it shall be a sufficient classification of cities to which any law hereafter enacted shall apply, to refer in any such law to cities under the classification herein provided by the classification herein designated, and such law shall be construed to apply to and embrace all cities of the class referred to in the act; and all courts of this state shall take notice of this classification and construe all legislation founded upon the classification herein designated, as if this act were a part of the law under consideration, when any law passed on the basis of the classification in this act shall in any wise be called in question.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1882.

CHAPTER XLVII.

An Act for the formation of borough commissions.

Formation of borough commission when so decided by voters at special election.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of any township or part of a township in this state embracing an area not to exceed two square miles, and containing a population not exceeding three thousand, may become a borough commission in fact and in law whenever at a special election, to be called for that purpose as herein-

after provided, it may be so decided by a majority of votes of the electors of said proposed borough who are qualified to vote at elections for state and township officers.

2. *And be it enacted*, That it shall be the duty of the chosen freeholder, or if more than one, then of one of the chosen freeholders of any township in which it is proposed to constitute a borough under this act, upon presentation to him of a petition for that purpose, setting forth the name and boundaries of the proposed borough, signed by persons owning at least one-tenth in value of the taxable real estate in the limits of the proposed borough as the same appears upon the assessor's duplicate of the township, to call a special election to be held at some convenient place within the said proposed borough, by notice in writing under his hand, which notice shall contain an accurate description of the name and boundaries of the proposed borough, and state the object of the said election to be to vote for or against the incorporation of the said proposed borough under the provisions of this act; which notice shall be set up at least ten days previous to the said proposed election in five of the most public places within the said proposed borough limits, and published at least twice in a newspaper printed and published within the said proposed borough limits, if any, or, if none so published, then in a newspaper printed and published in the county wherein said proposed borough is situated.

Chosen freeholder to call special election upon petition.

3. *And be it enacted*, That the said freeholder shall appoint, by writing under his hand, a clerk and two inspectors of said election, who shall be freeholders or taxpayers on personal property and legal voters in the said proposed borough, and who shall hold and conduct the election aforesaid at the time and place specified in the said notice; the polls shall open and close at the same hours as at general elections in this state, and the election shall be conducted as nearly as may be in like manner as general elections are conducted; the ballots shall contain the words "for borough commission" or "against borough commission," as the case may be; at the close of the polls the said clerk and inspectors shall canvass the votes cast, and if a majority of said votes shall be for borough commission they shall forthwith certify the re-

Appointment of clerk and inspectors of election.

Election how conducted.

Statement of result to be filed in county clerk's office. sult of said election, and the number of votes cast for and against, under their hands, to the clerk of the county wherein said borough is situated, to be filed in his office ; and from the time of filing said certificate in the office of the clerk of the county as aforesaid the inhabitants of said borough shall be a borough commission, in fact and in law, under the name of the borough commission of

Corporate name.

Election for commissioners when to be held.

4. *And be it enacted*, That the legal voters of the said borough shall make and hold an election in said borough on the first Tuesdays of April hereafter, at which election there shall be chosen, by a plurality of the votes cast, seven commissioners, who shall be freeholders or taxpayers on personal property, but a majority of whom shall be freeholders, of the said borough, who shall be denominated the board of commissioners of the borough commission of _____, and by that name they and their successors in office may sue and be sued, make contracts and agreements, make regulations and ordinances, and impose penalties, not exceeding fifty dollars in amount, for the purpose of carrying out and affecting the objects and purposes of this act.

Places of holding elections by whom designated.

5. *And be it enacted*, That the first election of said commissioners shall be held at a public place in the borough to be designated by the freeholder of the township in which said borough is situated ; and subsequent elections shall be held at such place in said township as by resolution of the board of commissioners for the time being shall be appointed, of which subsequent elections such board shall give two weeks' notice, by advertisements in the newspapers of said borough ; that said election shall be by ballot, and shall be opened at two o'clock in the afternoon and closed at seven o'clock in the evening of the same day ; that there shall be chosen by the electors then present, a judge and clerk of election, who shall be sworn as officers of township elections are sworn, and shall conduct the same in the manner that township elections are conducted by ballot, which officers of election shall possess the same powers and be subject to the same duties and restrictions as the officers of township elections are subject to, but shall receive no pay for their services, and that at the close of said polls the said judge and clerk of election shall canvass the votes cast and publicly declare who have been chosen, and shall make out,

Notices to be given of holding elections.

Officers of election how elected and their duties.

under their hands, and deliver to the commissioners so chosen, a certificate of their election, which certificate shall be recorded in the minutes of the proceedings of said board.

6. *And be it enacted*, That the commissioners so chosen shall meet within two weeks after their election and choose from their number a president, secretary and treasurer; that meetings of said board, may be called by the president or by resolution of the board, or in the absence or disability of the president, then by the treasurer, upon two weeks' notice published in any such newspaper, which meetings so called may be publicly adjourned to another time and place without further advertisement; that the treasurer shall give his bond to said board, with satisfactory sureties, in such amount as they may require, for the faithful performance of his office, and shall render annually, and as often as required by the resolution of the board, an account of all moneys received and disbursed by him, and shall pay out no moneys except upon resolution of the board, upon bills countersigned by the president; that the secretary shall keep a minute of the proceedings of said board, and record the same in a book provided for that purpose.

Meetings of the commissioners how called and by whom.

Treasurer to give bond.

7. *And be it enacted*, That it shall and may be lawful for the said board of commissioners to have the general supervision, management and control of the public streets, sidewalks and roads of said borough, to provide for the lighting of the streets and the supplying water for extinguishing fires in said borough by the construction of cisterns or otherwise, and for this purpose may by resolution or ordinances make all needful rules and regulations for the promotion and advancement of the interests of said borough, touching and concerning the matters above mentioned, and more particularly that they may by such resolutions or ordinances cause the streets and roads of said borough or such parts thereof as they may deem advisable to be graded, gravelled or otherwise to be improved and repaired, and to prevent and cause to be removed all obstructions thereon, so that they may be kept open to the width at which they were laid out by the surveyors of the highways, or by any deed, donation or dedication thereof, by the original owner or owners thereof, and also that they may fix and determine the width, grade

Commissioners to have general supervision, management and control of public streets, sidewalks, &c.

May grade, gravel, improve and repair streets and roads.

§ 10010.

and construction of the sidewalks of the said borough, and if the same has not been previously paved, flagged or gravelled and curbed in a good and substantial manner, and to the required width and grade, then to cause the same or such part thereof, as they may deem necessary to be paved, flagged, gravelled and curbed, or either of them, at the expense of the several owner or owners of the improved property of said borough adjoining said sidewalks; *provided*, the conditions as hereinbefore specified are not complied with within thirty days after notification to the said owner or owners by the said board of commissioners and to the satisfaction of said board, and in case any owner or owners shall neglect and refuse to comply with and carry out any such regulations or ordinances touching the sidewalks in front of and before their improved lots of land, then that said commissioners may cause the same to be done and carried out by their workmen, laborers or agents, keeping a particular account of the expenses attending the same to and with reference to the several owners of such improved lots respectively; and in default of payment of such expenses by any such owner or owners, then the said board of commissioners, by their above mentioned title of office, may sue for and recover the same in any court of competent jurisdiction, which moneys when recovered shall be by them applied to carry out the purposes of this act; and the said commissioners shall have power to cause to be constructed, enlarged, repaired and extended any culverts, sewers, drains or ditches in or along any of said streets or roads, and therein or thereby to divert, receive and discharge the drainage of said streets and roads, with reference to the greatest public convenience and doing the least private injury possible.

Legal voters to designate on ballot amount of money to be raised for borough purposes.

8. *And be it enacted*, That the legal voters of the said borough, at each election for commissioners under this act, shall, by vote and upon the same ballot used in voting for the said commissioners, designate an amount of money to be raised for borough purposes, not to exceed five hundred dollars in any one year, which sum so designated, being certified upon the returns of said election, shall be assessed and collected under the name of borough tax by the same officers and at the same time and in the same manner as township taxes are or may hereafter be col-

lected by law ; *provided*, the same shall be assessed only Proviso. upon the taxable property, real and personal, within the borough limits ; and the money so raised shall be paid out by the township collector, upon the warrant of the said commissioners, signed by the president and attested by the secretary of the said board ; and if any township collector, at the expiration of his term of office, shall have in his hands any balance of such moneys he shall turn the same over to his successor in office ; said township collectors shall be responsible, upon their official bonds as township collectors, for said moneys by them collected or received, and the assessors and collectors shall receive the same fees for assessing and collecting said borough tax as they may be entitled by law to receive for assessing and collecting township tax ; if any person shall think himself or herself aggrieved by any assessment or taxation made or levied under this act, he shall have the same remedy, by appeal or certiorari, as in the case of township taxes.

9. *And be it enacted*, That if any vacancy shall occur in the board of commissioners, said vacancy may be filled Vacancies in office of commissioner how filled. by the remaining members of the said board of commissioners until the next annual election, under the conditions as to qualification as specified in section four of this act.

10. *And be it enacted*, That no compensation shall be paid to any of said commissioners for their services, that they shall not have power to levy any tax or make any assessment upon the owners of real estate or other inhabitants of said borough, excepting for the purposes as hereinbefore specified in the act ; that the taxes which shall hereafter be assessed, levied and collected upon and from the taxable inhabitants of said borough, and upon the real estate therein, for roads, or for the improvement or repairs of roads by the officers of the township in which said borough is situate, shall not be applied to the roads without the boundaries of said borough, but that the assessor and collector of the said township shall hereafter assess and collect upon and from the taxable inhabitants of said borough, and on all lands liable to be taxed therein, the road tax which shall have been ordered to be raised at the previous annual township election, in the same mannner as the same have been heretofore assessed, No compensation allowed to commissioners for their services. Taxes assessed and collected for roads not to be applied to roads outside of boundaries of borough. Road tax ordered to be raised how assessed and collected.

levied and collected, and it shall be the duty of the collector or collectors of said township to pay over the amount of the road tax by him or them received, which shall have been assessed and collected upon the taxable inhabitants of said borough and upon all lands liable to be taxed therein, to the treasurer of the said board of commissioners, to be expended and applied by them in carrying out the purposes of this act, and for this purpose the said assessor of said township shall, by some convenient mark in his duplicate, designate the road taxes of the taxable inhabitants of said borough; and in case of any dispute respecting such designation the same shall be determined by the commissioners of appeal in cases of taxation of said township.

Expense of advertising and election by whom paid.

11. *And be it enacted*, That the expenses of advertising and holding the first election, mentioned in section two of this act, shall be defrayed and borne by the petitioners for said borough commission; the freeholder calling said election shall for his services be entitled to the sum of two dollars, and the judge and inspectors holding said election shall be entitled to receive the same fees as are allowed for like duties at state elections.

12. *And be it enacted*, That this act shall take effect immediately

Approved March 7, 1882.

CHAPTER XLVIII.

A Further Supplement to "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings."

Voters empowered at meetings to vote to raise money for the purchase of land and erecting buildings for public uses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the persons qualified to vote at town meetings shall be and they are hereby empowered at their annual meetings, or at any other meeting duly held for the purpose, to vote, grant, and raise such sum or

sums of money as they may determine for the purpose of purchasing, erecting, building and maintaining suitable land and buildings for public uses in any township, to be the property of the inhabitants of such township, and to be under the control of the township committee thereof; *provided, however,* that it shall not be lawful to vote, ^{Proviso.} grant, or raise in any one year for such purpose a sum greater than one-fifth of one per centum on the taxable value of the property in said township as shown on the assessors' duplicate.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 8, 1882.

CHAPTER XLIX.

A Further Supplement to an act entitled "An act for the better enforcement in Maurice river cove and Delaware bay of the act entitled 'An act for the preservation of clams and oysters,'" approved April fourteenth, eighteen hundred and forty-six, and of the supplements thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the captains of all vessels having a license to lawfully engage in the catching, planting and growing of oysters in the Delaware bay and Maurice river cove, are hereby authorized to meet on the third Monday of March next, and on the third Monday of March in each and every year thereafter, at the hour of ten in the forenoon, at the town of Port Norris, in the county of Cumberland, and there organize by the election of three of their number as judges of election, and one of their number as secretary, who shall keep a true record of the proceedings of said meetings, and when the meeting shall be so organized, the said captains of said licensed vessels shall proceed to elect by ballot a special officer

Captains of vessels licensed authorized to meet annually and to elect judges of election and secretary.

Special officer and collector to be elected.

and collector to serve for one year from the date of such election and until their successors are chosen, in the place of the special officer and collector appointed by the board of direction, under the provisions of the second section of the act entitled, "A further supplement to an act entitled 'An act for the better enforcement in Maurice river cove and Delaware bay of the act entitled 'An act for the preservation of clams and oysters,'" approved April fourteenth, eighteen hundred and forty-six, and the supplements thereto, approved February twenty-eighth, eighteen hundred and seventy-eight; and the said special officer and collector when so elected shall supersede the special officer and collector appointed by said board of direction by virtue of the said second section of the said last mentioned and recited act, and shall have all the powers and perform all the duties provided and required of the said special officer and collector by the act entitled "An act for the better enforcement in Maurice river cove and Delaware bay of the act entitled 'An act for the preservation of clams and oysters,'" approved April fourteenth, eighteen hundred and forty-six, and the supplements thereto, approved March twenty-first, eighteen hundred and seventy-one, and the supplements thereto; and the said meeting shall also at the same time elect by ballot five of their number to be designated as the auditing committee, who shall hold office for one year and until their successors are elected, and shall also by ballot fix the amount per ton of the tax to be assessed and levied each and every year upon all vessels licensed to engage in the catching, planting and growing of oysters in said Delaware bay and Maurice river cove, and that the said election by ballot shall open upon the organization of said meeting at the hour of ten in the forenoon, and continue until the hour of three in the afternoon, and no longer.

Meeting to fix amount per ton of tax to be assessed and levied upon all vessels.

Powers and duties of auditing committee.

2. *And be it enacted*, That the said auditing committee shall be and they are hereby authorized and empowered to fix the salary or compensation of the said special officer and collector, to superintend the expenditure of all moneys belonging to the oyster fund, to inspect the books, accounts, bills, receipts and papers of every kind of said special officer and collector, to audit the accounts of said officers or either of them, and the said special officer and collector shall upon the request of the said audit

ing committee, or of a majority of the members thereof, produce for the examination of said auditing committee, or of a majority of the members thereof, his or their books, accounts, bills, vouchers and other writings touching the administration of the offices of said special officer and collector, and the said special officer and collector shall not pay out any moneys received by them or either of them without the written approval of the chairman of the said auditing committee.

3. *And be it enacted*, That the said auditing committee shall have the power and they are hereby authorized to fill any vacancy occurring in the office of special officer and collector and in the said auditing committee, by reason of death, resignation or otherwise, but no person shall be appointed to fill such vacancy in the said auditing committee who is not eligible to an election under the provisions of the first section of this act.

Auditing committee empowered to fill vacancies in office of collector or special officer.

4. *And be it enacted*, That the said auditing committee shall immediately, upon the organization of the said annual meeting at Port Norris on the third Monday in March in each and every year, make a detailed and itemized report in writing to said meeting, of the receipts and expenditures, and of the moneys received and paid out by the said special officer and collector, and which report shall be published in one or more of the newspapers printed and published in the county of Cumberland, to be designated by the said auditing committee.

Committee to make a detailed and itemized report of receipts and expenditures

5. *And be it enacted*, That the special officer and collector elected pursuant to the provisions of this act shall, upon the expiration of their terms of office, pay over to their respective successors in office all moneys remaining in their hands or the hands of either of them, and shall turn over to their respective successors all of the books, vouchers, receipts, records and other writing, belonging to or appertaining to their respective offices of special officer and collector.

Special officer and collector to pay over all money to his successor.

6. *And be it enacted*, That the special officer and collector elected by virtue of this act, before entering upon the duties of their offices, shall each enter into bond to the county collector of the county of Cumberland, with two responsible sureties, in the penal sum of two thousand dollars, conditioned for the faithful performance of the duties of their said offices.

Special officer and collector to give bonds

Majority of committee to constitute a quorum.

7. *And be it enacted*, That a majority of the members of said auditing committee chosen as hereinbefore provided, shall constitute a quorum for the transaction of business.

Unlawful to take oysters from natural beds to plant in another state.

8. *And be it enacted*, That no person shall catch or take any oysters from any of the natural oyster beds in any of the bays, rivers, coves, creeks or waters of this state, for the purpose of planting in the waters of any other state, and any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by fine not exceeding two hundred dollars, or imprisonment for a term not exceeding one year or both.

Penalty therefor.

9. *And be it enacted*, That it shall be the duty of the said special officer to arrest either upon his own view, or upon the complaint of any other person, any person or persons who shall offend against any of the provisions of the eighth section of this act.

Penalty for dredging or catching oysters without permission of owners.

10. *And be it enacted*, That any person who shall hereafter dredge upon or throw or cast his oyster dredge or any other instrument for the purpose of catching oysters upon any oyster bed duly staked up within the waters of the state belonging to any other person, without the permission of such owner, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding two hundred dollars, or by imprisonment for any term not exceeding one year or both.

Acts and sections of acts repealed.

11. *And be it enacted*, That section eleven of the act entitled, "A further supplement to an act entitled, 'An act for the better enforcement in Maurice river cove and Delaware bay of the act entitled, 'An act for the preservation of clams and oysters,'" approved April fourteenth, eighteen hundred and forty-six, and of the supplements thereto, approved February twenty-eighth, eighteen hundred and seventy-eight, and section one of the further supplement to said act, approved February tenth, eighteen hundred and eighty, be and the same are hereby repealed.

When unlawful to catch or take oysters within certain boundaries.

12. *And be it enacted*, That it shall be unlawful for any person or persons to catch or take oysters from any of the natural oyster beds or grounds in Delaware bay north of a line running direct from Egg Island lighthouse to Cross Ledge lighthouse from the fifteenth day of June

in each year to the first day of April in the succeeding year, and during the months of July and August no natural growth nor planted oysters shall be caught or taken from any of the grounds in Delaware bay and Maurice river cove, for any purpose whatever; and any person offending against any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for every such offense be punished by a fine not exceeding two hundred dollars, or by imprisonment not exceeding one year, or both; and any boat or vessel used and employed in the commission of any offence against this section, with all her tackle, furniture and apparel shall be forfeited, and the same seized, secured and disposed of in the manner prescribed in the ninth and tenth section of the act entitled "An act for the preservation of clams and oysters," approved April fourteenth, one thousand eight hundred and forty-six, and in section eight of the act entitled, "An act for the better enforcement in Maurice river cove and Delaware bay of the act entitled 'An act for the preservation of clams and oysters,'" approved April fourteenth, one thousand eight hundred and forty-six, and of the supplements thereto.

Penalty for violation.

Boats, vessels, tackle, &c., forfeited.

Repealer.

13. *And be it enacted*, That the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth sections of the act entitled, "A further supplement to an act entitled 'An act for the better enforcement in Maurice river cove and Delaware bay of the act entitled 'An act for the preservation of clams and oysters,'" approved April fourteenth, eighteen hundred and forty-six, and of the supplements thereto, approved February twenty-eighth, eighteen hundred and seventy-eight, and all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall be a public act and take effect immediately.

Approved March 8, 1882.

CHAPTER L.

An Act to authorize cities to construct sewers and drains, and to provide for the payment of the cost thereof.

Board of aldermen empowered to cause sewers or drains to be constructed and to provide and maintain a general system of sewerage and drainage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen of any city in this state to order and cause sewers or drains to be constructed in any part of such city, and to provide, maintain and alter a general system of sewerage and drainage for such city, or any part thereof, conformably to which all sewers and drains shall be constructed, and to establish and maintain one or more outlets or places of deposit within or without such city, for sewerage or drainage, and to provide for the disposal of sewage and drainage from the city; and to repair and cleanse such sewers and drains.

Upon presentation of petition of owners of property board of aldermen to adopt resolution of intention to construct sewer or drain.

2. *And be it enacted*, That whenever a petition in writing of any owners of property interested shall be presented to the board of aldermen of the city, asking for the construction of a sewer or drain in any particular section of said city, it shall be lawful for such board to adopt a resolution declaring its intention to cause such sewer or drain to be constructed, and the said board shall forthwith cause public notice of such intention to be given by the city clerk, or other designated officer, in two or more newspapers printed or circulating in such city, for the space of ten days, briefly describing the proposed work, and requesting such persons as may object thereto to present their objections in writing at or before the expiration of ten days from the date of such notice, to the officer signing the same; and if persons owning or representing more than one-half of the lineal frontage of land along any street through which it is proposed to construct any lateral sewer or drain shall so present their objections in writing then such proceedings shall cease; but otherwise

Owners of more than one-half lineal frontage of land objecting, proceedings shall cease.

and after the expiration of said ten days it shall be lawful for such board to adopt any ordinance for the construction of such sewer or drain, to award contracts for the same or for any part or section thereof, and to take all necessary steps for properly carrying into effect the desired improvement;

II. If, in the judgment of the said board of aldermen, the construction of such sewer or drain is likely to benefit and increase the value of any lands and real estate in the vicinity thereof, the said board shall apply to the circuit court of the county wherein such city is situate, for the appointment of commissioners to estimate and assess such benefits, of the time and place of which application notice shall be given by ten days' publication in two newspapers printed or circulating in such city, at which time and place, or at such other time and place as the court shall designate, said court shall, without unnecessary delay, appoint three commissioners, who shall be freeholders and residents of the city making the application, to estimate and assess the said benefits; the said court shall have power to remove any commissioner and appoint another in his place, and also to fill any vacancy that may occur in the office of any commissioner from any cause;

Commissioners to be appointed by court to estimate and assess benefits, &c.

III. The said commissioners, before entering upon the execution of the duties required of them by this act, shall take and subscribe before some person duly authorized to administer the same, an oath or affirmation that they will make all estimates and assessments required of them, fairly, legally and equitably, according to the best of their skill and understanding, which oath or affirmation shall be attached to the report that they are hereinafter required to make;

Commissioners to take oath, &c.

IV. The said commissioners, having thus qualified, shall give notice, under the direction of the said court, of the time and place when and where they will hear any persons in interest who may present themselves to be heard, and at such time and place, and at such other times and places to which they may adjourn for that purpose, the said commissioners shall attend, and shall give a public hearing to those persons in interest who may desire to be heard; the said commissioners shall have power to examine witnesses under oath, to be adminis-

Commissioners to give notice of time and place to hear persons interested.

tered by any one of them, and to enter upon and view any premises that they may deem necessary, and to adjourn from time to time in their discretion, or as directed by said court; they shall use diligent efforts to ascertain the names of the owners of the lands and real estate benefited by the construction of such sewer or drain as aforesaid, and shall state the same in the report hereinafter mentioned; but the failure to so ascertain the name of any such owner, or to state the same correctly, or the omission of any such name from the said report, shall not be deemed to invalidate the said assessment, nor to be a bar to the collection of the same.

Commissioners to make report of estimates and assessments, etc.

V. After having given opportunity as aforesaid for a public hearing of the persons in interest, and having viewed the premises likely in their judgment to be benefited by the construction of such sewer or drain, the said commissioners shall make a report in writing of their estimates and assessments to the said court, accompanied by a survey and map, prepared by the city surveyor or engineer, under their direction, showing the lots or parcels of land and real estate peculiarly benefited by such sewer or drain; the said report shall state the cost of the whole work, the portion, if any, assessed upon the city at large, and shall give the names, so far as ascertained, of the owners of the said lots or parcels of land and real estate, and the amount of the assessment to each owner for each of such lots or parcels of land and real estate for the said benefits, which assessment shall in each case be in proportion, as near as may be, to the advantage which each of such owners shall be deemed to have acquired by the construction of such sewer or drain; in case the costs and expenses of such work shall exceed the amount of said benefits, the excess thereof shall be paid by the city at large, and raised by general tax; in no case shall any property or owner thereof be assessed beyond the amount of benefit actually derived from the construction of such sewer or drain.

Notice to be given of hearing of objections to assessments and report.

VI. Upon the coming in of any such report, signed by the said commissioners, or any two of them, said court shall cause such notice to be given as it shall deem proper, of the time and place of hearing any objections that may be made to such assessment, and after hearing any matter that may be alleged against the same, the

said court, either by rule or order, shall confirm the said report, or shall refer the same to the same commissioners for revision and correction, or to new commissioners to be appointed by the said court forthwith, to reconsider the subject matter thereof, and the said commissioners to whom such report shall be so referred by the court, shall return the same corrected and revised, or a new report to be made by them in the premises, to the said court, without unnecessary delay, and the same being so returned shall be confirmed or again referred by the said court in the manner aforesaid, as right and justice shall require, and so from time to time until a report shall be made or returned in the premises which the said court shall confirm; such report, when so confirmed, shall be final and conclusive, as well upon the said city as upon the owners of any lands and real estate affected thereby; the said court shall thereupon cause a certified copy of such report and the accompanying map to be transmitted to the city clerk of the said city, with a certified copy of the rule or order of said court confirming the same, which shall be forthwith delivered by the said clerk to the officer of such city charged with the duty of collecting assessments for improvements.

VII. No *certiorari* shall be allowed by any court to review any of the proceedings in relation to such improvement, nor to in any way affect any assessment made by such commissioners, after the lapse of thirty days from the making of the order of the court confirming such assessment; the court shall designate what notice, if any, shall be given, by publication or otherwise, of the confirmation of the report of said commissioners.

No certiorari to be allowed to review proceedings in relation to improvements and assessments.

VIII. All assessments made under the provisions of this act shall be and remain a first lien upon the lands and real estate affected thereby, notwithstanding any error or omission in stating the name or names of the owner or owners of any lot or parcel of such land and real estate, to the same extent as taxes and assessments are now a lien under the general laws of this state; and shall bear the same rate of interest as other assessments for improvements made under the laws governing such cities, and shall be collected in the same manner that assessments are now collected under such laws; and in case of the non-payment of such assessments the lands and real

Assessments made to be first lien on lands affected.

estate assessed therefor may be sold in the same manner provided for the sale of lands for the non-payment of assessments made under such laws ;

Expenses of improvement may be paid by issuing of temporary improvement certificates.

IX. The board of aldermen may pay the expenses of any such improvement by the issue of temporary improvement certificates, from time to time, as the work progresses, in such form as the board may prescribe ; said certificates shall bear interest at a rate not exceeding six per centum per annum, to be fixed by the board, and shall be payable at the expiration of not more than three years from the date of their issue ;

Amount to be paid by city at large to be incorporated in annual tax levy.

X. It shall be the duty of the board of aldermen to incorporate in the annual tax levy, in each year, such amount as shall be required to be paid by such city at large, on account of any such improvement, made in the next preceding fiscal year, over and above the total amount of the assessment made against the lands and real estate peculiarly benefited, and the same shall be raised by general tax ; and the moneys received for assessments, and the moneys so raised by general tax, for the purpose aforesaid, shall be reserved for, and exclusively applied to, the payment for such improvement, or to the payment of any temporary indebtedness incurred by the city therefor ;

Fees for services under this act.

XI. The following fees shall be allowed for services under this act :

Proviso.

To the justice of the supreme court : For the appointment of the said commissioners, five dollars ; for the hearing of objections to the report, and any other hearing required by this act, five dollars for every day he shall sit to hear the same ; for the confirmation of any such report, five dollars ; *provided*, that no fees shall be allowed to any such justice receiving a salary in lieu of all fees ;

Fees by whom paid.

To each commissioner : Five dollars for every day he shall be actually engaged in the performance of the duties herein required of him ;

Certain "terms," what held to include.

The foregoing fees shall be paid by the city in which the improvement is made.

3. *And be it enacted*, That the term "board of aldermen," when used in this act, shall be held to include the common council or other municipal body now charged by law with the construction of sewers in any of the cities of

this state; and the term "sewer" or "drain" shall be held to include catch basins, receiving basins, and all the other appurtenances of sewers or drains.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1882.

CHAPTER LI.

A Further Supplement to an act entitled "An act respecting the court of chancery," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the clerk in chancery shall provide and furnish at the expense of the state, suitable rooms in the city of Camden and city of Jersey City for the use of the vice chancellors in the hearing of causes, and that the rent and expense thereof shall be ascertained and certified by the chancellor, and paid by the treasurer of the state, and shall not exceed five hundred dollars per annum for such rooms provided in each city.

Clerk in chancery to provide and furnish rooms for vice chancellor

2. *And be it enacted*, That the vice chancellors shall have power to appoint suitable persons to hold office during his pleasure, as sergeants-at-arms, whose duty it shall be to attend the court or hearings held by the vice chancellors at the city of Camden and city of Jersey City, when required, whose compensation shall be three dollars per day each for each day they shall be in actual attendance upon said courts, to be paid by the treasurer of the state upon the certificate of the vice chancellors.

Sergeants-at-arms by whom appointed and their compensation.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1882.

CHAPTER LII.

Supplement to "An act concerning conveyances" [Revision], approved March twenty-seventh, anno domini one thousand eight hundred and seventy-four.

Preamble.

WHEREAS, Commissioners of deeds in and for this state, in some instances have, through inadvertence or mistake, continued to take acknowledgments and proofs of deeds, mortgages and other writings, after their term of office had expired, and innocent persons may be subject to loss or injury thereby ; therefore,

Acknowledgments validated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all acknowledgments and proofs of deeds, mortgages and other writings and certificates thereof, heretofore taken or made before or by any commissioner of deeds in and for this state, whose term of office had expired or whose offices had been vacated at the time of taking such acknowledgment or proof, and the certificate thereof, and the records of such deeds, mortgages and other writings, are hereby confirmed and made valid, and legal and effectual to the extent that the same would have been valid, legal and effectual if the term of office of the commissioner taking such acknowledgment or proof had not expired.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1882.

CHAPTER LIII.

An Act to forbid the assumption of the title of port warden by persons not duly appointed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That no person not duly appointed by the governor, by and with the consent of the senate, to the office of port warden, shall within this state assume to be a port warden or give himself out as such. Assumption of title forbidden by persons not duly appointed.

2. *And be it enacted*, That no person shall within this state make, sign or issue any certificate, report or other paper purporting to be made or signed by any person not so appointed, in which certificate, report or paper such person not so appointed, as provided in section one of this act, is designated or described as a port warden, whether of this or any other state, or any subdivision thereof. Making, issuing and signing certificates forbidden.

3. *And be it enacted*, That no person not so appointed, as provided in section one of this act, shall have, permit, or continue in or about his premises, place of business, or office, any sign, token, or notice that he is a port warden or that he can or will act as a port warden, or give notice or advertise that he is such or will act as such. Signs, notices or advertisements forbidden.

4. *And be it enacted*, That any person violating any provision of this act shall be deemed guilty of a misdemeanor, and on conviction shall be punished by imprisonment for not less than three months, or more than one year. Penalty for violation.

5. *And be it enacted*, That any person violating any provision of this act shall also be liable to pay a penalty of one hundred dollars for each offence; to be sued for and recovered by the attorney general, in the name of the State of New Jersey. Penalty for violation.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1882.

CHAPTER LIV.

An Act concerning cities in this state.

Board authorized
to expend certain
amount of money
for purchase of
lands, &c.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in any city in this state where lands, dedicated to public uses, have been sold, and the purchase money therefor is required by law to be used for the purchase of other real estate, and the erection thereon of buildings, and the furnishing of the same for the same public uses as the property sold, if such purchase money shall not be deemed, by the municipal board having the power to make such sale and purchase, sufficient to purchase property and erect buildings suitable for such public uses, it shall be lawful for such board to expend, for the purchase of real estate for such public uses, a sum not exceeding the amount received from the sale of said property as aforesaid, in addition to such amount, for the purchase of lands for such public uses.

Board may bor-
row money and
issue bonds.

2. *And be it enacted*, That to provide moneys necessary to carry this act into effect, it shall be lawful for the board having control of the finances of the city, to borrow money for such purchase, upon request being made to said board for that purpose by the board having power to make such sale and purchase; and said board, in order to procure said money, may issue bonds having not more than thirty years to run, and bearing interest at a rate not exceeding five per centum per annum, such bonds being issued in manner and form as other bonds of such city are now authorized by law to be issued; *provided*, the issue of bonds under this act shall not exceed in any city of this state the limit now provided by law, and that the proceeds of the sale of such bonds shall not be applied to any other purpose than the purchase of lands for the public uses aforesaid.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1882.

CHAPTER LV.

An Act relative to interest on arrears of taxes and assessments in incorporated cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any time within one year after the passage of this act, any person or persons may pay to the collector of taxes, or other person authorized to receive the same, in any incorporated city in this state, the amount of any tax or assessment due upon any real property belonging to such person or persons laid or imposed prior to the year one thousand eight hundred and eighty-one, and now remaining unpaid, together with interest thereon at seven per centum per annum, to be calculated from the time interest is properly chargeable thereon to the time of such payment, together with the actual expenses theretofore incurred by any such city for the enforcement and payment of said taxes or assessments; and the collector of taxes, or other person authorized to receive the same, shall make and deliver to the person or persons making such payment a receipt therefor, and shall forthwith cancel the record of such tax or assessment; upon such payment, such tax or assessment shall cease to be a lien upon the real estate or property, and shall be deemed and taken to be fully paid, satisfied and discharged, and there shall be no right to any further interest or penalty by reason of such tax or assessment not having been paid within the time heretofore required by law, or by reason of any statute passed requiring the payment heretofore of any penalty or interest over seven per centum upon any unpaid tax or assessment; *provided, however, that* nothing in this act contained shall authorize the receipt under the provisions of this act of any such taxes or assessments in cases where lands and real estate have been sold for taxes or assessments, and bought in by any other

Unpaid taxes and assessments imposed prior to 1881 may be paid to officers authorized with interest.

Receipt to be given and record of tax or assessment cancelled.

Proviso.

person than the city in which said taxes and assessments are laid, or some officer for the use of such city; nor shall any lien upon real estate for such taxes or assessments be released or affected, nor shall any sale of any real estate for taxes or assessments, or the delivery of any certificate or declaration of sale or deed therefor be stayed by anything in this act contained.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 8, 1882.

CHAPTER LVI.

A Supplement to an act entitled "An act relating to the division of certain cities in this state into wards.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement be amended so as to read as follows:

Section amended.

Cities, incorporated towns, &c., may be divided into wards.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all cities in this state not already divided into wards or districts, and all incorporated towns or municipalities, by whatever name or title said cities, towns or municipalities may be designated, in which more than six hundred votes are polled at any annual election, may be divided into two or more wards.

Section amended.

2. *And be it enacted*, That the second section shall be amended so as to read as follows:

Common council or governing body authorized and empowered to divide cities, &c., into wards.

2. *And be it enacted*, That the common council or other governing board or body in any such city, town or municipality, by whatever name or title it may be called, is hereby authorized and empowered to determine the number of wards into which such city, town or other municipality shall be divided, and the boundaries of said wards, and are authorized and empowered to make such division accordingly.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1882.

CHAPTER LVII.

A Supplement to an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the time for the construction of any railroad authorized to be constructed within this state under special acts, has expired, or shall expire during the year one thousand eight hundred and eighty-two, and money has been in good faith actually expended in surveys, locations, acquiring rights of way, and in construction, and an organization has been maintained up to the passage of this act, or up to the time when any such company shall have been merged and consolidated with any other railroad company or companies of this or any adjoining state, such time for the completion of the whole line of any such railways as contemplated by said charters or special acts, is hereby extended for the period of two years from and after the passage of this act and all forfeitures, by reason of the failure to complete said railroads within the time limited by their charter, or acts supplementary to or amendatory of the same, are hereby waived; *provided, however*, that the provisions of this act shall not apply to any railroad of this state, where the same has been sold by a receiver of the court of chancery, or by trustees for the benefit of mortgage or other creditors, and the purchaser or purchasers thereof, or his or their assigns, have failed or shall fail to complete the railway within the time limited by the provisions of its charter.

Time for the construction of railroads whose time has expired extended for two years.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1882.

CHAPTER LIX.

An Act to repeal certain supplements to an act entitled
 "An act relative to the publication of the laws of this
 state in the newspapers," approved April twenty-first,
 one thousand eight hundred and seventy-six.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act approved March eleventh, one thousand eight hundred and eighty, and entitled "An act to amend 'An act relative to the publication of the laws of this state in the newspapers,' approved April, twenty-first, one thousand eight hundred and and seventy-six," being chapter one hundred and forty-six of the laws of one thousand eight hundred and eighty, be and the same is hereby repealed.

Act repealed.

2. *And be it enacted*, That an act approved March second, one thousand eight hundred and eighty-one, entitled "An act to amend 'An act relative to the publication of the laws of this state in the newspapers,' approved April twenty-first, one thousand eight hundred and seventy-six," being chapter fifty-one of the laws of one thousand eight hundred and eighty-one, be and the same is hereby repealed.

Act repealed.

3. *And be it enacted*, That an act approved March third, one thousand eight hundred and eighty-one, and entitled "Supplement to the act entitled 'An act relative to the publication of the laws of this state in the newspapers' [Revision], approved April twenty-first, one thousand eight hundred and seventy-six," being chapter sixty-six of the laws of one thousand eight hundred and eighty-one, be and the same is hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1882.

CHAPTER LX.

A Supplement to the act entitled "An act to authorize cities to issue bonds to fund obligations incurred for street improvements," approved March ninth, anno domini, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the governing body of any city in this state which has heretofore issued "street improvement bonds" under the authority conferred by the act to which this is a supplement, to issue bonds of said city to be styled "renewal street improvement bonds;" and that the proceeds of such bonds shall be appropriated only to the payment and cancellation of such "street improvement bonds" heretofore issued by such city, and that the amount of such "renewal street improvement bonds" shall not exceed eighty-five per centum of the amount of the "street improvement bonds," which shall mature and become due within sixty days from the issuing of the bonds herein provided for.

Cities may issue bonds.

Bonds issued to be appropriated only for the payment and cancellation of bonds heretofore issued.

2. *And be it enacted*, That all the provisions of the said act to which this is a supplement, so far as the same are not inconsistent herewith, are continued in force and made applicable to the bonds hereby authorized.

Provisions of act made applicable.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1882.

CHAPTER LXI.

Supplement to an act entitled, "An act exempting firemen from taxation," approved March twenty-fourth, one thousand eight hundred and eighty-one.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled, "An act exempting firemen from taxation," approved March twenty-fourth, one thousand eight hundred and eighty-one, shall be and is hereby amended so that the said section shall read as follows :

Firemen exempt from payment of taxes to a certain extent.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all members of an organized volunteer or other fire department or salvage corps organized under the laws of this state, of any town, city, borough or township of this state, organized as an independent volunteer fire department, working under a special or general law of this state, incorporating said fire department, or organized under the control of any town committee, common council or municipal corporation, which are now or may hereafter be established, shall be exempt from the payment of taxes to said town, township, city and borough, to the extent and in the manner following, to wit: if the sum, at any one time, assessed by any assessor upon any member of said fire department, shall not exceed the sum of five dollars, then such member shall be exempt from the payment of taxes upon such assessment; if the sum, at any one time exceeds the sum of five dollars assessed against any member, then such member shall have credit for the sum of five dollars on the amount assessed against such member, and the amount over and above said five dollars shall be paid by said member, or collected in the same way and manner as directed for the collection of taxes.

Section amended.

2. *And be it enacted*, That section two of the act to which this is a supplement, be amended to read as follows :

2. *And be it enacted*, That each fire department that is Fire departments to establish fire districts. now organized, or that is hereafter organized, shall cause to be established a fire district, the territorial boundaries of which shall be specified in a detailed description defining the aforesaid boundary line; *provided*, that where Proviso. fire departments are within three (3) miles of each other, they shall each appoint two (2) commissioners, the said commissioners to appoint a day of meeting, and at said meeting they shall determine on a boundary line between the aforesaid fire departments; the decision of said commission shall be final and conclusive; the expenses of aforesaid commissioners to be defrayed by their respective fire departments, and the aforesaid fire department shall forthwith file the aforesaid description of the boundary lines of their fire district with the clerk of each town, township, city or borough, in which the aforesaid boundary lines shall exist, and on or before the first day of June of each year hereafter following the passage of this act, the aforesaid fire department shall also file with the aforesaid clerk a list of the names of the members of aforesaid fire department residents of aforesaid fire district; *and provided*, if the aforesaid boundary line of Proviso. aforesaid fire district shall extend beyond the jurisdiction of the town, city, township or borough where the aforesaid fire department is incorporated, such member or members residing within the limits of said fire district and assessed therein shall be entitled to receive all the rights, privileges and benefits, heretofore mentioned, from the town, township, city or borough in which they shall reside and are assessed; *and provided further*, that Proviso. no part or parts of this act shall be so construed as to impair or in anywise affect the rights of any member of a volunteer fire department of receiving the full amount of aforesaid exemption, they having complied with all the provisions of this aforesaid act, the certificate of the president, or in the absence or inability of the president, of the vice president, countersigned by the secretary of the fire department of which the aforesaid member is a contributing member thereof, shall be a sufficient voucher and authority for the assessor or collector of any town, township, city or borough to deduct the sum of five dollars from the aforesaid assessment as heretofore mentioned in section one (1) of this act; *and provided further*, Proviso.

that the aforesaid certificate shall be receipted by the aforesaid collector of taxes, when presented to him as taxes paid by any of the aforesaid members as hereintofore provided for.

Repealer.

3. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 9, 1882.

CHAPTER LXII.

A Supplement to an act entitled "A further supplement to an act entitled 'An act concerning corporations' [Revision], approved April seventh, one thousand eight hundred and seventy-five, authorizing extension of corporate existence," which said supplement was approved April twenty-first, one thousand eight hundred and seventy-six.

Corporations
whose existence
have been extend-
ed how assessed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That nothing contained in the act to which this is a supplement shall be construed as continuing in force and operation any special provision relating to taxation, or exemption therefrom, in the charter of any corporation whose corporate existence may have been or hereafter shall be extended in conformity with the terms of said act ; but each corporation whose corporate existence may have been or shall be extended as authorized thereby, shall be assessed for taxes in accordance with the provisions of the general law of this state relating to the taxation of corporations.

Provisions of act
not to apply to
turnpikes or toll
companies.

2. *And be it enacted*, That the provisions of the act to which this is a supplement shall not apply to any turnpike or toll company created under and by virtue of any special law of this state.

Repealer.

3. *And be it enacted*, That all acts or parts thereof, gen-

eral or special, inconsistent herewith are hereby repealed, and this act shall be a public act, and go into effect immediately.

Approved March 9, 1882.

CHAPTER LXIII.

A Further Supplement to "An act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever an unexpended balance of money remains in the treasury of any township after the close of the fiscal year in which such money was granted and raised, and whenever any unappropriated sum or sums of money remain on hand whether derived from surplus tax receipts, from interest, from penalties, from rents, from licenses or from any other source of income or receipt whatever, it shall be lawful for the township committee of said township, by resolution duly recorded in their minutes, to appropriate such unappropriated surplus from time to time to any purpose of public expenditure which is or may be recognized by the law of this state as a lawful purpose for which moneys may be granted, raised and expended in townships.

Unexpended balances and appropriations of money how appropriated.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1882.

CHAPTER LXIV.

A Supplement to an act entitled "An act for the formation of borough governments in seaside resorts," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

Lots in boroughs may be cleared and the cost to be a lien, and may be collected by action of debt.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the borough council of any borough incorporated under the act to which this is a supplement may, whenever they shall by ordinance declare it necessary, cause the brush and wild bushes to be removed from any lot in such borough, and may cause any uncovered hole or pit on any lot in such borough to be filled up, and the cost of such removal and filling shall be a lien upon such lot paramount to any other encumbrance except taxes, and may be collected with costs of suit by action of debt against the owner or owners of such lot in any court of competent jurisdiction, or if such owner or owners be non-resident, then by attachment ; *provided always*, that fifteen days notice to the owner or owners of such lot shall be given, before such removal or filling as aforesaid, which notice shall be in writing under the signature of the mayor and seal of the borough, and shall recite such ordinance and request such owner or owners to remove such brush or fill such uncovered hole or pit within fifteen days.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1882.

CHAPTER LXV.

An Act to provide for raising by tax moneys to supply actual deficiencies created by embezzlements and fraudulent misapplication of public funds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for and it is hereby made the duty of the governing or legislative body of any municipality in the state, whose moneys have been embezzled by, and fraudulently misapplied to the private use of any officer thereof or other person, whereby the payment of its debts, as they mature, may be delayed or prevented unless measures are adopted to supply any actual deficiency created thereby, to provide by proper legislation for raising by tax a sum of money, not exceeding fifty thousand dollars in each year, until the full amount of such actual deficiency created by said embezzlements or fraudulent misapplications has been provided for ; and the moneys collected under this act shall be applied only for the purpose for which they are raised as aforesaid ; and where temporary or other bonds have been heretofore issued to raise the moneys so fraudulently abstracted, said bonds may renewed from time to time as may be necessary, and redeemed and cancelled as funds are collected hereunder sufficient for that purpose, Deficiencies created by embezzlements to raised by tax.
2. *And be it enacted*, That this act shall apply to all municipalities to which its provisions are applicable, notwithstanding any provision contained in the charter or law under which they may be governed, limiting the percentage on the valuation of the assessable property therein, for which money may be raised by tax. Moneys collected how applied.
3. *And be it enacted*, That all acts and parts of acts inconsistent herewith, are hereby repealed, and this act shall go into effect immediately. Act how applied.

Approved March 9, 1882.

CHAPTER LXVI.

An Act to enlarge the powers of the boards of commissioners of certain of the towns of this state.

Preamble.

WHEREAS, heretofore sundry acts of the legislature of this state have been approved, and are now in force for the improvement of certain of the towns and villages of this state and authorizing the election of boards of commissioners in said towns, with certain corporate powers which have been by said several acts conferred upon the respective boards of commissioners of said several towns, which power it is deemed expedient to enlarge ; therefore,

Board of commissioners empowered to light streets and purchase engines, hose, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boards of commissioners of any of such towns shall have power to procure and supply to their several and respective towns lights for lighting their respective streets, and water from fire hydrants or otherwise for the suppression of fires, and may purchase such engines, hose, and other apparatus for this purpose as they may severally deem necessary, and may contract and organize fire departments for their respective towns, and may make all needful rules and regulations touching the matters aforesaid that are not in violation of the constitution and laws of this state.

Boards may make contracts for the supplying of light and water.

2. *And be it enacted*, That to effectuate the objects and purposes aforesaid, the said several boards of commissioners may make contracts with any person, company, or corporation for the supplying of such lights and of such water ; *provided, however*, that any such contracts shall be terminable at the pleasure of any such board of commissioners at the end of any year from the making or renewal of the same ; and that the cost and expense thereof shall be paid out of such money as the said several boards

Proviso.

are now authorized by law to raise, demand and receive, and that no debt by reason of any such cost and expense shall be created exceeding the clear annual income of the respective boards of commissioners as aforesaid.

3. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 9, 1882.

CHAPTER LXVIII.

A Supplement to an act entitled "An act respecting conveyances."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any conveyance heretofore made by virtue of and in pursuance of any letter of attorney for the sale, conveyance, assurance, acquittance or release of any lands, tenements or hereditaments, executed by any married woman, who joins with her husband in executing such letter of attorney, shall be as good and effectual to pass the estate of the said married woman, as if she were a feme sole and unmarried; *provided*, that said letter of attorney shall be acknowledged, and such acknowledgment certified in the manner prescribed for the acknowledgment of deeds of conveyance of lands, tenements or hereditaments by the act to which this is a supplement, or by the supplements thereto.

Conveyances
heretofore made
good and effectual
to pass estate.

Proviso.

2. *And be it enacted*, That the provisions of the supplement to the act respecting conveyances, which supplement was approved March first, one thousand eight hundred and forty-nine, shall extend to said letters of attorney so made.

Provisions of act
extended to letter
of attorney.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1882.

CHAPTER LXIX.

An Act to amend an act entitled "An act fixing the amount to be expended by boards of education in certain cities of this state for permanent improvements in any one year," approved March fourteenth, one thousand eight hundred and seventy-nine.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An act fixing the amount to be expended by boards of education in certain cities of this state for permanent improvements in any one year," approved March fourteenth, eighteen hundred and seventy-nine, be and the same is hereby amended so that the same shall read as follows:

Boards of education may expend certain amount annually for the erection, &c., of school buildings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state where the boards of education of such cities are now limited by law to the sum of twenty thousand dollars as the amount which may be expended in any one year for the purchase of land for public schools, or for erecting, altering, furnishing or fitting up any building for school purposes in said cities, it shall hereafter be lawful for said boards of education to expend for the purpose aforesaid, the sum of fifteen thousand dollars in any one year and no more.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1882.

CHAPTER LXX.

An Act fixing the compensation for publishing the laws
in the newspapers.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That hereafter the compensation for publishing the laws of this state in the newspapers designated by law to publish the same, shall be at the rate of fifty cents, and no more, per folio of one hundred words, which shall be paid from the state treasury upon the warrant of the comptroller; *provided*, this act shall not be applied or interpreted to affect the rates now allowed by law for publishing legal sales and legal advertising other than the laws. Compensation for publishing laws in the newspapers. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1882.

CHAPTER LXXI.

An act concerning cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every city in this state in which water works are owned and controlled by the city authorities, the common council, board of commissioners, aqueduct board, or other body having the actual management of such works, may, whenever they shall deem it expedient, and on such terms for water takers as they may from time to time prescribe by general rules, or make contracts for with individual consumers, extend their wa- City authorities authorized to extend water mains beyond the limits of any city.

ter mains beyond the limits of such cities respectively, to a distance not exceeding four miles in any single direction, and may make such lateral connections with said mains, and establish and maintain such fire hydrants as they may from time to time find necessary or desirable; *provided*, that the rates charged to water takers outside of such city limits shall not in any case be less than are charged for the same service within such cities; but may be as much greater (not exceeding twice as much, exclusive of hydrants,) as the body having the management of such works may determine; and *provided further*, that nothing in this act shall be construed to authorize the common council or other body having the actual management of such water works, to increase the bonded indebtedness of any such city for the purpose of laying such water pipes or to extend their pipes beyond the borders of this state or within the limits of any other city in which water works are or may be established, without the previous consent of the proper authority in such other city.

Town committees
authorized to
enter into con-
tract for the sup-
ply of water, &c.

2. *And be it enacted*, That the township committee, council or other proper authority of any township, borough, or other municipal corporation within which such water mains shall be extended, as hereinbefore provided for, are hereby authorized to enter into contract with said council, commissioners, board or other body having the actual management of water works as aforesaid, for the maintenance and use of fire hydrants, on such conditions and at such rates as may be mutually agreed upon; *provided, however*, that the ordinary use of roads and highways shall not be unreasonably interrupted during the laying of such water mains and pipes, and that such roads and highways shall be left in as good condition as when such work was begun.

Proviso.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent herewith, and so far as inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 10, 1882.

CHAPTER LXXII.

Supplement to "An act to enable the owners of the tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons, to keep the same in good repair," passed November twenty-ninth, one thousand seven hundred and eighty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the government and management of all banked in meadow companies, organized under the laws of this state, each and every owner of banked in meadow land shall have one vote for every five valued acres of meadow so owned, and one vote for every additional five valued acres; *provided*, that no owner of meadow lands shall be deprived of at least one vote in the government and management of said companies. Number of votes owners of meadow land entitled to. Proviso.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed. Repealer.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1882.

CHAPTER LXXIII.

A Supplement to "An act to regulate term of office in municipalities," approved March twelfth, one thousand eight hundred and eighty.

Section amended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of "An act to regulate term of office in municipalities," to which this act is a supplement, be and the same is hereby amended so as to read as follows, viz :

What constitutes a vacancy in any municipal government. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any officer of any municipal government in this state shall remove from any such municipality and shall no longer be a bona fide resident therein, or whenever the resignation of such officer shall have been accepted by the authority competent to appoint his successor, such removal and non-residence or such resignation shall constitute a vacancy in the office held by such non-resident or person who shall have resigned, and from the time of such removal or resignation such officer shall not exercise any of the duties of the office so made vacant ; and such municipality, by its lawfully constituted authority, shall immediately proceed to fill such vacancy in the manner and form prescribed by law for the filling of such vacancies ;

Vacancies how filled. *provided*, that this act shall not apply to the removal of any such officer from one ward to another ward of any such municipality, unless otherwise provided by any special charter of any city in this state ; and *provided further*, that nothing in this act shall be so construed as to prevent a non-resident of any municipality in this state from holding office as counsel or attorney of such municipality, nor shall such offices be deemed vacant by reason of the removal or non-residence of such counsel or attorney of such municipality.

Proviso. 2. *And be it enacted*, That all acts and parts of acts, general or special, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall be deemed to be a public act, and shall take effect immediately.

Proviso. Repealer.

Approved March 10, 1882.

CHAPTER LXXIV.

An Act to provide for the licensing and regulating of milk dealers and their agents in cities, incorporated boroughs, or police, sanitary and improvement commissions, and incorporated camp meeting associations or seaside resorts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of aldermen, or other governing body of any city, incorporated borough, police, sanitary or improvement commission, incorporated camp meeting association or seaside resort to provide for the appointing of a milk inspector or of milk inspectors for their respective municipal corporations, to prescribe their duties and to fix their salaries and further to provide for the licensing and regulating of all persons engaged, either as principals or as agents, in the sale of milk within their respective corporate limits, and to require as a prerequisite to engaging in such business a yearly license fee, to be paid by the person, firm, or corporation conducting said business.

Corporate authorities authorized to appoint milk inspectors and to license and regulate the sale of milk.

2. *And be it enacted*, That each license shall allow the person, firm or corporation licensed, or his or their agent or agents named in such license, to sell milk within the corporate limits of the municipal corporation granting the license from one store or stand, from one cart or wagon, or from one pail or other receptacle carried in the hand; *provided*, that nothing herein contained shall limit the number of licenses which may be granted to any person, firm or corporation.

Licensee empowered to sell milk.

Provido.

3. *And be it enacted*, That the aforesaid municipal corporations shall have power to fix and establish fines and penalties, not exceeding fifty dollars for each offence for the selling of milk without a license, and for the violation

Municipal corporations empowered to fix and establish fines and penalties.

of any rule, regulation or ordinance established for the regulating of the sale of milk within their respective corporate limits ; and that such fines and penalties shall be recovered as other fines and penalties are or may be recovered in the respective municipal corporations.

Sum collected
from license fees
how expended.

4. *And be it enacted*, That at least two-thirds of the sum collected in any municipal corporation in one year from milk license fees shall in that year be expended in paying the salaries and expenses of a competent inspector or competent inspectors of milk for said municipal corporation.

Powers and duties
of milk inspector.

5. *And be it enacted*, That it shall be the duty of each inspector in addition to the duties imposed upon him by the municipal corporation appointing him, to keep a complete record of all his daily doings and proceedings as inspector, giving a full account of each inspection or examination of milk made by him ; including the name of the person, firm or corporation owning or claiming to own the milk inspected, the names of the agents in charge, the place and manner in which the said milk was offered for sale, together with the results of each test and analysis ; that said records shall be the property of the respective municipal corporations and shall at all times be subject to their control.

Inspector to make
complaint against
persons violating
regulations, &c.

6. *And be it enacted*, That it shall be the duty of each inspector to make complaint against all persons discovered by him in the violation of any rule, regulation or ordinance which may be passed in conformity to the provisions of this act.

Inspector to have
same power and
authority as state
inspector.

7. *And be it enacted*, That each inspector appointed by a municipal corporation, shall have the same power, authority, rights and privileges, and shall perform the same duties within the corporate limits of the municipal corporation for which he is appointed as are now or may hereafter be possessed and performed by the state inspector of milk ; *provided*, that all penalties collected in any suit instituted by him under the laws of this state governing and regulating the adulterating of milk and the sale of milk, shall be paid into the treasury of the municipal corporation for which he acts, and the expense of such suits shall be borne by said municipal corporation.

Proviso.

8. *And be it enacted*, That no person twice convicted of knowingly violating the state law governing the sale of milk or the adulterating of milk, shall for the space of two years be allowed to conduct or be engaged in the business of selling milk within any municipal corporation in this state; that his license, if he have one, shall be void, and no new license shall be granted to him for the space of two years.

Persons twice convicted of violating state law not allowed to sell milk within two years and license to be void.

9. *And be it enacted*, That all other acts and parts of acts authorizing the imposition of a license fee upon any person engaged in the milk business, and all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Repealer.

10. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1882.

CHAPTER LXXV.

A Supplement to the act entitled "An act respecting the court of chancery" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That when any decree, made in the court of chancery in any suit, of the pendency of which notice shall have been or shall be filed in the offices of the clerk of the court of common pleas or of the register of deeds of any county, shall have been or shall be paid, satisfied or performed, or when pending such suit the matters in difference between the parties thereto shall have been or shall be settled by the said parties, the lands and real estate affected by said suit and mentioned in such notice, shall be discharged of all equities set up in the bill of complaint in said suit, by the entry on the margin of the record of the notice of the pendency of such suit of satisfaction and discharge, which

When decrees in chancery or suits pending have been settled or paid the lands and real estate to be discharged of all equities.

Satisfaction and
discharge to be
entered.

satisfaction and discharge shall be entered by the party receiving satisfaction or his solicitor, or by the clerk or register of deeds of the proper county upon receiving and filing a warrant or authority for the purpose executed by the said party or his solicitor in the manner provided by law in respect to the satisfaction of judgments, and the same fees shall be paid for services rendered under this act as are allowed in the supreme court upon satisfaction of a judgment therein.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1882.

CHAPTER LXXVI.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to establish a system of public instruction,' approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "A further supplement to an act entitled 'An act to establish a system of public instruction,' approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved April fifth, one thousand eight hundred and seventy-eight, being chapter two hundred and sixty-two of the laws of eighteen hundred and seventy-eight, be and is hereby amended so that the same shall read as follows:

Section amended.

District clerk to
be secretary of
board of educa-
tion or trustees.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That wherever in the school districts of this state, except school districts in cities and towns of five thousand inhabitants and upwards, which

said cities or towns have a common council there may exist a board of education or trustees holding their charters by special act of the legislature and independent of any city charter, the district clerk shall be secretary of the board, and in addition to the duties as laid down in sections thirty-five and thirty-six of the act to which this is a supplement, he shall conduct the correspondence of the board, keeping copies of such letters as he may write, in some suitable manner, and filing all such letters and papers as the board may direct at their stated meetings ; also he shall notify the assessor of the amount of special tax to be assessed and collected in each and every year for the payment of the principal and interest of school bonds that may have been issued in such districts ; also, the amount of special tax to be assessed and collected to defray the incidental expenses of such schools during the year ; and at the close of each year he shall present at the annual meeting for the appropriation of moneys for such district, a report of the general financial state of the district, the condition of the school property, the school work during the year, the requirements for the year to come and such other matters as may be needful to an intelligent understanding of the present state or which is desirable for the future promotion of public education in the district ; and for such services he shall receive such compensation as the board may allow.

Duties of district clerk.

2. *And be it enacted*, That section three of said act be amended so that the same shall read as follows :

Section amended.

3. *And be it enacted*, That the election of trustees or members of such boards of education shall be held in each district on the Tuesday of the week following the annual town meeting in each and every year ; the terms of service of those then elected to begin immediately ; and the term of any trustee which would expire on the first Monday of July following such election shall expire on the Tuesday of the week following the annual town meeting ; and that five day's notice of said meeting for election of trustees shall be set up by the secretary in five of the most prominent places of the district ; *provided, however*, that in all cases where the trustees of any district are elected at any municipal election, by virtue of any independent charter, the election for such trustees in such district shall be held in the manner and at the same

Election of trustees when held.

Term of trustees when to expire and notice of election to be given.

Proviso.

time as heretofore, and the beginning and length of their terms of service shall remain as before the passage of this act.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1882.

CHAPTER LXXVII.

Supplement to an act entitled "An act to protect the property of ice dealers," approved February twenty-eighth, one thousand eight hundred and seventy-one.

Penalty for polluting ice or destroying machines for the gathering of the same.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons shall maliciously or wilfully pollute, corrupt or render impure the ice in front of the lands of persons having ice houses, as described in the first section of the act to which this is a supplement, or shall wilfully or maliciously destroy any engine, machine, tools or other property used for the gathering and storing such ice, the person or persons so offending shall be deemed guilty of a misdemeanor, and being thereof convicted, shall be punished by a fine not exceeding one hundred dollars or imprisonment at hard labor not exceeding one year, or both.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1882.

CHAPTER LXXVIII.

An Act to provide for the removal of snow and ice from the sidewalks and gutters of the streets and highways in cities, towns and boroughs of this state.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any legislative body of any city, town or borough of this state to pass ordinances providing for the removal of snow and ice from any sidewalk and gutter of any street and highway that is graded, curbed and flagged in any such city, town or borough.

Ordinances may be passed for the removal of snow and ice.

2. *And be it enacted*, That it shall be lawful to provide in any such ordinance for the removal of the snow and ice from any sidewalk and gutter as aforesaid, by the street commissioner of any such city, at an expense not exceeding one cent per front foot where the owner of the land in front of the same fails to remove the snow and ice within twenty-four hours after any such sidewalk or gutter was covered with snow and ice.

What ordinances may provide.

3. *And be it enacted*, That the costs and expenses paid and incurred by said street commissioner for removing the snow and ice from any sidewalk and gutter as aforesaid may be certified by said street commissioner to the proper officer or officers or board of revision of taxes, whose duty it is to assess and levy the taxes of any such city, town or borough and the same shall be added to the taxes of the lot or lots or parcels of land in front of the sidewalks and gutters from which the snow and ice was removed, and shall be a part of the same, as a first and paramount lien upon said land and premises.

Costs and expenses of removing ice and snow how assessed and collected.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1882.

CHAPTER LXXIX.

An Act relative to forfeited recognizances.

Court empowered
to have judgments
upon forfeited re-
cognizances can-
celled.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where judgment shall have been entered upon a forfeited recognizance in a criminal case in any court in this state and it shall appear to said court that the bail has brought in the person accused or indicted and surrendered said person within a reasonable time and paid the costs of said judgment, said court shall have power in its discretion to order said judgment to be cancelled of record.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1882.

CHAPTER LXXX.

Supplement to an act entitled "An act for the punishment of crimes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four

Section amended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one hundred and seventy-three of said act, be and the same is hereby amended, so that the same shall read as follows:

173. *And be it enacted*, That if any person shall falsely make, alter, forge or counterfeit, or cause, counsel, hire, command or procure to be falsely made, altered, forged or counterfeited, or willingly act or assist in the false making, altering, forging or counterfeiting any record or other authentic matter, of a public nature, character, letters patent, deed, lease, writing sealed, will, testament, annuity, bond, bill, writing obligatory, bank bill or note, United States treasury note, check, draft, bill of exchange, promissory note for the payment of money, indorsement or assignment, of any check, draft, bill of exchange, or promissory note for the payment of money, or any acceptance of a bill of exchange, or the number or principal sum of any accountable receipt for any note, bill or other security for the payment of money, or any warrant, order or request for the payment of money, or delivery of goods or chattels of any kind, or any acquittance or receipt, either for money or goods, or any acquittance, release or discharge of any debt, account, action, suit, demand or other thing, real or personal, or any transfer or assurance of money, stock, goods, chattels, or other property, whatsoever, or any letter of attorney, or other power to receive money, or to receive or transfer stock or annuities, or to let, lease, sell, dispose of, alien or convey any goods or chattels, lands or tenements, or other estate, real or personal, with intent to prejudice, injure, damage or defraud, any person or persons, body politic or corporate, or shall utter or publish, or cause, counsel, hire, command or procure to be uttered or published, as true, any of the above false, altered, forged or counterfeited matters as above specified and described, knowing the same to be false, altered, forged or counterfeited, with intent to prejudice, injure, damage or defraud, any person or persons, body politic or corporate; then every such offender shall be deemed guilty of a high misdemeanor, and on being thereof convicted, shall be punished by fine not exceeding three thousand dollars, or imprisonment at hard labor for any term not exceeding ten years, or both.

Approved March 14, 1882.

Penalty for
making, altering,
forging or coun-
terfeiting records,
&c.

CHAPTER LXXXI.

A Supplement to the act concerning townships and township officers.

Board of freeholders empowered to change time of holding township elections to a certain date.

Proviso.

Proviso.

Officers to hold until others are legally qualified.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the board of chosen freeholders of any county in this state, whose township elections are held pursuant to section first of the act entitled "An act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six [Revision], to change the time of holding township elections in and for such county, from the second Tuesday in March to the second Tuesday of April, instead of the time designated in said act, said elections to be held in all other respects under the laws now applicable to elections directed by said act; *provided*, that the said change shall be authorized by a resolution passed at any meeting of said board; *and provided further*, that at the expense of said county, notice of the adoption of such resolution shall be given by the clerk of said board, by two insertions thereof in the public newspapers printed in said county, for the two weeks immediately preceding the second Tuesday of March, and a copy of said notice be also mailed by said clerk, to each of the township clerks in said county, at least two weeks before said second Tuesday in March.

2. *And be it enacted*, That whenever the change contemplated by this act shall be made in any county, the several officers for the time being in the townships of such county shall hold their respective offices until others shall be chosen and legally qualified in their stead, and thereafter said township elections shall be held on the second Tuesday of April, annually.

3. *And be it enacted*, That all acts and parts of acts inconsistent herewith are hereby repealed, and that this shall be a public act, and take effect immediately.

Approved March 14, 1882.

CHAPTER LXXXII.

An Act to prevent the adulteration, and to regulate the sale of milk.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who shall sell, or who shall offer or expose for sale, or who shall transport or carry, or who shall have in possession with intent to sell or offer for sale, any milk from which the cream or any part thereof has been removed, shall distinctly, durably and permanently solder a label or tag of metal in a conspicuous place upon the outside and not more than six inches from the top of every can, vessel or package containing such milk, and such metal label or tag shall have the words "skimmed milk" stamped, indented or engraved thereon in letters not less than two inches in height, and such milk shall only be sold or shipped in, or retailed out of a can, vessel or package so marked.

Persons selling or offering for sale skimmed milk to solder a label or tag upon can or package.

2. *And be it enacted*, That every person who shall sell or who shall offer for sale, or who shall transport or carry for the purpose of sale, or who shall have in possession with intent to sell or offer for sale, any impure, adulterated or unwholesome milk, and every person who shall adulterate milk, or who shall keep cows for the production of milk in a crowded or unhealthy condition, or feed the same on food that produces impure, diseased or unwholesome milk, or shall feed cows on distillery waste, usually called swill, or upon any substance in a state of putrefaction or rottenness, or upon any substance of an unwholesome nature, shall be liable to the penalties hereinafter provided for in this act.

Penalty for selling or offering for sale impure or adulterated milk or keeping cows in an unhealthy condition.

3. *And be it enacted*, That the addition of water or any other substance or thing is hereby declared an adulteration, and milk that is obtained from animals that are fed on distillery waste, usually called "swill," or upon any substance in a state of putrefaction or rottenness, or upon

Addition of water or other substance declared an adulteration.

any substance of an unhealthful nature, or milk that has been exposed to or contaminated by the emanations, discharges or exhalation from persons sick with any contagious disease by which the health or life of any person may be endangered or compromised, is hereby declared to be impure and unwholesome.

When milk deemed to be adulterated.

4. *And be it enacted*, That in all prosecutions under this act, if the milk shall be shown, upon analysis by a member of the council of public analysts of this state, or the chemist of the state experiment station, to contain more than eighty-eight per centum of watery fluids, or to contain less than twelve per centum of milk solids, such milk shall be deemed for the purpose of this act to be adulterated.

Penalty for violation.

5. *And be it enacted*, That every person who shall violate any of the provisions of this act shall be liable to a penalty of fifty dollars for the first offence and one hundred dollars for a second or subsequent offence.

Justices of the peace and recorders to have jurisdiction to try and punish offenders.

6. *And be it enacted*, That justices of the peace and recorders shall have jurisdiction to try and punish all persons for violating the provisions of this act, and the penalties prescribed in section five of this act, for the violation of any of the provisions of this act, may be enforced before any justice of the peace or recorder in any county where the offence is committed, or where the offender is first apprehended.

Upon proof to cause persons to be arrested.

7. *And be it enacted*, That said justice of the peace or recorder, upon receiving due proof, made before him by the affidavit of one or more persons of the violation of any of the provisions of said act, by any person or persons, is hereby authorized and required by his warrant, under his hand and seal, directed to any constable or police officer of his county, to cause such person or persons to be arrested and brought before said justice or recorder, who shall hear and determine the guilt or innocence of the person or persons so charged, and upon conviction of said person or persons, the said justice or recorder is hereby authorized and required to impose upon the offender so convicted before him the penalties prescribed for such offences; and if any person so convicted shall fail to pay the penalty so imposed, together with the costs of the prosecution, the said justice or recorder is hereby authorized and required to commit such offender to the common

Person convicted failing to pay penalty to be committed to jail.

jail of the said county for a period of not less than ten nor more than sixty days ; *provided, however*, that an analysis of condemned milk shall be made by a member of the council of public analysts of this state, or the chemist of the state experiment station.

8. *And be it enacted*, That the certificate of any member of the council of public analysts, or chemist of the state experiment station, given under his hand and seal, and sworn to and subscribed before any justice of the peace or notary public in this state, shall be taken and accepted as prima facie evidence.

9. *And be it enacted*, That the state board of health is hereby empowered and directed to appoint, each year, a competent person, who shall act as a state inspector of milk, at a salary of eight hundred dollars per annum, payable by the treasurer of this state, by warrant of the comptroller, in quarterly payments, for the purposes of this act, and in addition thereto said inspector shall be paid his actual travelling expenses while in the performance of his duties, and actual expenses of suits and costs of analysis brought by him under this act, payable by the treasurer of this state by warrant of the comptroller ; said inspector shall act until removed by said board, or until his successor is appointed, and shall make such reports to said board at such time as it may direct ; said inspector, having reason to believe the provisions of this act are being violated, shall have power to open any can, vessel or package containing milk, whether sealed, locked or otherwise, or whether in transit or otherwise ; and if, upon inspection, he shall find such can, vessel or package to contain any milk which has been adulterated, or from which the cream, or any part thereof, has been removed, or which is sold, offered or exposed for sale, or held in possession with intent to sell or offer for sale, in violation of any section of this act said inspector is empowered and directed to take a sample of the same for analysis and put into a can, vessel or package, to be sealed in the presence of one or more witnesses, and sent to any member of council of public analysts or the chemist of the state experimental station, and also to condemn the same and pour the contents of such can, vessel or package upon the ground or return the same to the consignor, and, if upon analysis

Proviso.

Certificates of analysts or chemist to be accepted as evidence.

State board of health empowered to appoint state inspector of milk.

Compensation and expenses how paid.

Duties of inspector.

Proviso.

such milk shall prove to be adulterated, shall bring suit against the person or party so violating the law; *provided, however,* that if upon analysis it is proved that the condemned milk is unadulterated, the state shall be liable for the value of the article destroyed, which shall be paid by the treasurer of this state, by warrant of the comptroller; and said inspector is empowered to employ one or more assistants, who shall have power to inspect milk as provided by this act, said assistants to be paid not more than five dollars per day for each and every day of actual service in performance of their duties, as provided by this act, payable by the treasurer of this state, by warrant of the comptroller.

Penalties to whom paid.

10. *And be it enacted,* That all penalties imposed shall be paid into the treasury of this state, except in case the local board of health of any city, borough, town or township, shall prosecute the offender, in which case, the penalties shall be paid into the treasury of the city, borough, town or township so prosecuting; *provided,* that in prosecutions by the executive officer of any local board of health no expense shall be incurred to the state.

Proviso.

Act repealed.

11. *And be it enacted,* That an act entitled "An act to prevent the adulteration of milk and to regulate the sale of milk," approved March twenty-second, one thousand eight hundred and eighty-one, and all other acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

12. *And be it enacted,* That this act shall take effect immediately.

Approved March 14, 1882.

CHAPTER LXXXIII.

An Act concerning the appointment of city clerks in the cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, the board of aldermen, council, common council, or other legislative body of any city in this state of the second class as fixed by an act for the classification of cities in this state shall appoint a city clerk for such city, in the manner provided by law for the appointment of other city officers by such legislative body ; and such city clerk shall hold office for the term now provided by law. Cities of second class may appoint city clerk. Term of.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately

Approved March 16, 1882.

CHAPTER LXXXIV.

An Act to enable cities of the third class to improve any one principal avenue, street or thoroughfare and to provide payment for the costs and expenses of such improvement.

Cities of the third class authorized to pave avenue and to provide for payment of costs and expenses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any city of the third class within this state be and is hereby authorized to pave with belgian block pavement or any other durable material any one principal avenue, street or thoroughfare leading through and out of said city, and to provide for the payment of the costs and expenses of such improvement in manner following :

May pass ordinance designating avenue or street to be paved, &c.

a. The board of councilmen or other legislative body of said city may, by ordinance passed in accordance with existing charter provisions, and without any previous application by property owners, designate the avenue, street or thoroughfare to be paved, the extent of the same, and the material to be used, which ordinance shall be published as prescribed by any existing law, said ordinance shall then be referred to the commissioners of assessments or other proper officers of said city qualified by law to make assessments, who shall examine into the whole matter impartially, and to the best of their skill, judgment and ability, and who shall cause a survey and preliminary map to be made of said improvement, distinguishing each lot or parcel of land and real estate benefited by said improvement, by number on said map, and they shall estimate the costs and expenses of such improvement according to the best of their judgment, and they shall assess such proportion of such costs and expenses as will be equal to the amount of benefits actually acquired by said lands and real estate from such improvement, proportioned equitably to the benefit each of said tracts or lots shall be deemed to acquire, and report the names of the owners of said lands and real estate, as far as practicable, with the amounts assessed to each, and shall file said report and map with the clerk of said city within forty days after such reference of said ordinance ; the clerk shall give notice of any such report and map within ten days after the same shall be filed with him in the official newspapers circulating in said city, and by five notices put up on the line of said improvement ;

Ordinance to be referred to proper officers qualified to make assessments.

Costs and expenses of improvement how assessed and report made. Duties of clerk.

Duties of clerk.

Board of councilmen may proceed to carry out improvement or refer report for alteration or correction.

b. The board of councilmen or other legislative body of said city shall proceed forthwith to carry out said improvement, and may refer back said report and map to said commissioners of assessments or other legally quali-

fied officers for alterations or corrections in matters of form and substance when they deem the same necessary ;

c. That such proportion of all such costs and expenses of said improvement as will be equal to the amount of benefits actually acquired by said lands and real estate from such improvement proportioned equitably to the benefit each of such tracts or lots shall be deemed to acquire, shall be assessed by the commissioners of assessments or other legally qualified officers, upon and paid by such lands and real estate, and the said commissioners or other legally qualified officers shall determine and report in writing to the said board of councilmen or other legislative body, what proportion of such costs and expenses shall be assessed upon each separate lot or parcel of land, and shall accompany said report with a final map containing and delineating each lot assessed and the name of the owner or owners thereof if practicable, which report and map shall be filed in the office of the city clerk, whereupon said clerk, shall cause to be inserted in two newspapers circulating in said city, for at least ten days, a notice of filing said report, and the city clerk shall mail a written or printed notice to each of the known owners of land to be assessed therefor, and he shall also put up five notices on the line of said improvement in said city, that the board of councilmen or other legislative body of said city or a committee thereof, will meet at a time and place to be designated in said notice, to be at least ten days from the date of filing of said report, to consider said assessment, and to receive and consider all objections thereto, which may be presented in writing, and the said board of councilmen or other legislative body shall have power to return said map and report for correction in matters of form and substance before confirming the same, and when so returned for correction, the said commissioners of assessments or other legally qualified officers shall have power to correct the same, and they shall refile it with the city clerk within ten days after it shall have been so referred back to them, and if the said board of councilmen or other legislative body shall, by resolution, confirm said assessment, it shall constitute a first lien on the property assessed for the amount of such assessments payable as in manner prescribed by the provisions of any existing law ; that in all

Costs and expenses to amount of benefits acquired to be assessed upon lands.

Report and map to be filed and notice to owners of land to be given.

Map and report may be corrected and to be refiled.

When confirmed assessment to constitute a first lien.

Boards of councilmen empowered to issue bonds in anticipation of payment of assessments

particulars not herein provided for, said improvements shall be made under and in accordance with the existing laws respecting improvement governing the respective cities which shall adopt the provisions of this act so far as the same are not in conflict herewith ; and the said board of councilmen or other legislative body shall have power to issue bonds having ten years to run from the date of the issuing of the same bearing interest at not more than six (6) per centum per annum in anticipation of the payment of the assessments referred to in this section and when such assessments are paid they shall be credited to the street improvement account in any city where such an account exists or other proper account, and where such accounts do not exist then and in that case such assessments when so paid shall be held inviolable for the payment of the bonds mentioned in this section.

Balance of costs and expenses to remain a debt upon the city.

Board of councilmen may issue bonds for amount of balance of costs and expenses.

2. *And be it enacted*, That the balance of such costs and expenses of such improvement if any remaining unassessed shall be a debt upon and paid by the city in manner following : The board of councilmen or other legislative body of said city may issue bonds of the said city to the amount of the balance of the costs and expenses of said improvement which bonds shall be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall draw such rate of interest not exceeding six per centum per annum and be issued in such sums as the board of councilmen or other legislative body of any such city, shall by ordinance or resolution determine, which bonds shall be of the denomination of not less than fifty dollars, nor more than one thousand dollars, and shall be executed under the corporate seal of said city, and the signature of the mayor or other proper financial officer or officers of said city ; the bonds issued by virtue of this section of this act shall be called road construction bonds, and shall have coupons attached for every half-year's interest until due, or may be registered at the option of the holder, which coupons, if attached, shall be signed by the said mayor or other proper financial officer or officers of said city, and numbered to correspond with the bond to which they shall be respectively attached, and all the bonds issued under this section of this act shall be numbered and a register of such numbers, the date of issuing and the time of pay-

ment shall be made by the said mayor or other proper financial officer or officers of said city in a book to be provided for that purpose, which bonds shall be received by the city authorities for their face value and accrued interest in payment of any assessment imposed for the same improvement; *provided*, that in order to redeem the bonds issued under the provisions of this section of this act at maturity it shall be the duty of the board of councilmen or other legislative body of said city to establish a sinking fund which shall be created by a special tax of not less than one and one-half ($1\frac{1}{2}$) per centum, per annum on the issue of bonds herein provided for in this section, to be raised in the annual tax levy.

Bonds issued to be received for payment of assessments.

Proviso.

3. *And be it enacted*, That the interest on the bonds hereby authorized to be issued under section two (2) of this act shall be raised by a special tax annually levied and collected as other city taxes are now or may be hereafter levied and collected, and the whole of each year's interest shall be so raised, levied, collected and paid within each year, and the board of councilmen or other legislative body of said city, may dispose of said bonds at either public or private sale for the best price that can be obtained for the same, but not at a less price than par value, and all moneys derived from the sale of said bonds shall be inviolably applied and used for purposes connected with said improvement.

Interest on bonds to be raised by special tax.

Bonds how sold.

4. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved March 16, 1882.

CHAPTER LXXXV.

An Act concerning cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council of any incorporated city of this state, to make such provision as it may deem necessary to secure from the voters of any such city, by election and ballot, an expression of opinion on the question of filling in property, within the limits of any such city, which is now or may hereafter become covered by tidewater, or by erecting pumping works for the purpose of draining any such property.

Board of aldermen or councilmen may secure from the voters by election an expression of opinion on the question of filling in property covered with tide water.

2. *And be it enacted*, That such expression of opinion shall be settled and determined by popular vote at the next succeeding annual municipal or general election following the passage of this act as said board of aldermen or common council shall determine, and said municipal board shall cause said election to be advertised, for the time now prescribed by the general election law and shall cause the result of such election to be certified and filed with the secretary of state within thirty days after said election, and that said common council shall have power to carry out the provisions of this act by the issuing of bonds bearing interest at a rate not exceeding six per centum per annum ; *provided*, that nothing in this act shall allow any city to exceed the limit of debt fixed by its charter.

Expression of opinion to be determined by popular vote at next election.

Election to be advertised and result certified to and filed with secretary of state.

Common council empowered to issue bonds, &c.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1882.

CHAPTER LXXXVI.

A Further supplement to the act entitled "An act for the better enforcement in Maurice river cove and Delaware bay of the act entitled 'An act for the preservation of clams and oysters,'" approved April fourteenth, one thousand eight hundred and forty-six, and of the supplements thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of an act entitled "A further supplement to the act entitled, 'An act for the better enforcement in Maurice river cove and Delaware bay, of the act entitled 'An act for the preservation of clams and oysters,' approved April fourteenth, eighteen hundred and forty-six, and of the supplements thereto,'" approved February eighteenth, one thousand eight hundred and seventy-five, be amended so that the same shall read as follows :

3. *And be it enacted*, That the natural oyster beds in Maurice river cove and Delaware bay, known severally as the East Point beds, Andrew's Ditch beds, the Pepper beds, the Ballast beds, and the beds at the mouth of Dividing creek and Oranoke creek, and in the creeks where there is a natural growth of oysters, and the beds that fall bare at low tide, shall not be occupied or used for planting oysters nor be dredged upon, nor shall oysters be taken or sold from any of the said natural oyster beds, nor from any of the creeks or rivers in the county of Cumberland, for the purpose of planting, except such as may be planted in the ponds, thoroughfare or ditches that put out of said creeks or rivers, nor shall oysters be taken from any of said beds, creeks or rivers for any purpose whatever, unless said oysters shall be of such a size that a bushel will not contain more than four hundred oysters, nor shall any person or persons, under any pretense what-

Section amended.

Natural oyster beds not to be occupied or used for planting oysters.

Oysters not to be taken unless a certain size.

Penalty for violating provisions of this act.

Proviso.

ever, take, remove or carry from said beds, creeks, or rivers, any old shells or small oysters other than such as cannot be removed without injury to the oysters, but said shells and small oysters shall be thrown back again upon the natural beds in said creeks and rivers, but all citizens of this state shall have free access to them to catch oysters for their own family consumption ; and any person or persons offending against any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall for every such offence be punished by a fine of not exceeding one hundred dollars or by imprisonment for any term not exceeding one year, or both, at the discretion of the court ; *provided*, that nothing herein contained shall be construed in any wise to affect the provisions of an act entitled "A further supplement to an act entitled 'An act for the preservation of clams and oysters, passed the fourteenth day of April, eighteen hundred and forty-six,'" which said supplement was approved March ninth, eighteen hundred and fifty-five.

Persons planting oysters deemed trespassers and all oysters planted forfeited.

Proviso.

2. *And be it enacted*, That any person or persons who shall hereafter plant oysters upon any of the natural oyster beds in Delaware bay, Maurice river cove or any other cove or arm of said Delaware bay or adjacent thereto, shall be deemed a trespasser, and such planted oysters shall be forfeited to the public, and all citizens of this state shall have the right and privilege of going upon said natural beds and taking said planted oysters and converting the same to their own use ; *provided*, that nothing in this section shall be so construed as to apply to or affect grounds now staked off in Maurice river cove.

3. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 17, 1882.

CHAPTER LXXXVII.

A Supplement to an act entitled "An act for the preservation of fish," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of the act to which this is a supplement, and which reads as follows :

"4. *And be it enacted*, That nothing contained in this act shall be held to apply to fishing above tide water in the waters of this state, nor to the use of purse nets for catching moss bunkers in the waters of this state, nor shall any of the provisions of this act be held to apply to the waters of Barnegat Bay, or its tributaries, north of a line from the north shore of Barnegat inlet to the Waretown dock, nor to the fishing of pounds or weirs in the waters of this state within one mile of the shore line of the county of Monmouth, nor to the waters which are subject to the jurisdiction of this state and the states of Pennsylvania and Delaware; *provided, however*, that it shall not be lawful to fish with pounds or weirs in any of the waters of the state, except as provided for in this section," be and the same is amended to read as follows :

4. *And be it enacted*, That nothing contained in this act shall be held to apply to fishing above tide water in the waters of this state, nor shall any of the provisions of this act be held to apply to the waters of Barnegat Bay, or its tributaries, north of a line from the north shore of Barnegat inlet to the Waretown dock, nor to the fishing of pounds or weirs in the waters of this state within two miles of the shore line of the county of Monmouth, nor to the waters which are subject to the jurisdiction of this state and the states of Pennsylvania and Delaware; *provided, however*, that it shall not be lawful to fish with pounds or weirs in any of the waters of this state, except as provided for in this section.

Section to be amended.

Section amended.

Act not to apply to certain waters.

Proviso.

2. *And be it enacted*, That section six of the act to which this is a supplement and which reads as follows:

Section to be amended.

"6. *And be it enacted*, That if any person or persons shall be found making use of any boat, seine, net, gill, drift, anchor or sink nets, fixed nets, trap, pot, pound, fike, weir or other apparatus or tackling in any of the aforesaid waters within the jurisdiction of the state contrary to the true intent and meaning of this act, he or they so offending shall, in addition to the fine and penalties aforesaid, forfeit the boat or boats, seine or seines, net or nets, gill or gills, drift or drifts, anchor or sink net or nets, or fixed net or nets, trap or traps, pot or pots, pound or pounds, fike or fikes, weir or weirs, or other apparatus or tackling so made use of, and it shall be the duty of all the sheriffs, constables and fish wardens, and may be lawful for any person or persons to seize and secure any such boat, seine, net, gill, drift, anchor or seine net, fixed net, trap, pot, pound, fike, weir, or other apparatus or tackling as aforesaid; and immediately thereafter give notice to some justice of the peace of the county where such seizure shall have been made, and such justice is hereby required and empowered, at such time and place as he shall appoint for the trial thereof, to hear and determine the same in a summary manner, and in case the same shall be condemned, it shall be sold by the order and under the direction of the said justice, who, after deducting all legal costs and charges, shall pay one-half of the proceeds of said sale to the collector of the county in which such offence shall have been committed, and the other half to the person who shall have seized and prosecuted the same; *provided*, that nothing in this act shall be construed to prevent fishing with seines in the waters of Great Egg Harbor river, Rainbow bay or Great Egg Harbor lying within the county of Atlantic," be and the same is hereby amended to read as follows:

Section amended.

6. *And be it enacted*, That if any person or persons shall be found making use of any boat, seine, gill, drift, purse, anchor or sink nets, fixed nets, trap, pot, pound, fike, weir, or other apparatus or tackling in any of the aforesaid waters within the jurisdiction of the state, contrary to the true intent and meaning of this act, he or they so offending shall in addition to the fines and penalties aforesaid, forfeit the boat or boats, seine or seines, net or nets,

Persons offending to forfeit boat or boats, seines, &c.

gill or gills, drift or drifts, purse net or nets, anchor or sink net or nets, or fixed net or nets, trap or traps, pot or pots, pound or pounds, fike or fikes, weir or weirs, or other apparatus or tackling so made use of, and it shall be the duty of all sheriffs, constables and fish wardens, and may be lawful for any person or persons, to seize and secure any such boat, seine, net, gill, drift, purse, anchor or sink net, fixed net, trap, pot, pound, fike, weir or other apparatus or tackling as aforesaid, and immediately thereafter give notice to some justice of the peace of the county where such seizure shall have been made, and such justice is hereby required and empowered, at such time and place as he shall appoint for the trial thereof, to hear and determine the same in a summary manner, and in case the same shall be condemned, it shall be sold by the order and under the direction of the said justice, who, after deducting all legal costs and charges, shall pay one-half of the proceeds of such sale to the collector of the county in which such offence shall have been committed and the other half to the person or persons who shall have seized and prosecuted the same.

Sheriffs, constables, fish wardens authorized to seize and secure boats, tackle, &c.

Justice to hear and determine matter and order boats, tackle, &c, to be sold.

3. *And be it enacted*, That the provisions of other acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 17, 1882.

CHAPTER LXXXVIII.

A Supplement to an act entitled "An act to regulate the practice of the courts of law" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the one hundred and thirty-third section of an act to which this is a supplement be amended, so that the same shall read as follows :

Section amended.

Frivolous and
sham pleas or de-
murrers may be
struck out by
court upon notice.

133. That any frivolous plea or demurrer or sham plea, may be struck out by the court or by a judge thereof, in term time or vacation, upon four days notice, unless the court shall by its order for special reason direct shorter notice, in writing, of the application to strike out the said plea or demurrer to be given to the person or his attorney, filing such pleadings, unless an affidavit shall be presented to said court or judge, setting forth that the person or his attorney, by whom the said plea or demurrer is filed cannot be found when said notice shall not be necessary, and upon an application to strike out any plea as a sham plea, the court or judge, may by an order, direct the taking of testimony, to be read on the hearing of a motion.

Approved March 17, 1882.

CHAPTER LXXXIX.

Supplement to an "Act respecting the orphans court, and relating to the powers and duties of the ordinary and the orphans court and surrogate," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section amended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-six of the act to which this a supplement be and the same is hereby amended so as to read as follows :

26. *And be it enacted*, That when any will shall have been admitted to probate in any state or territory of the United States or the District of Columbia, or in any foreign state or kingdom, and any person shall desire to have the same recorded in this state, for the purpose of making title to lands or real estate in this state, it shall be lawful for any surrogate of any county in this state, upon an exemplified copy of such will being filed in his

Surrogate authorized to file and record exemplified copies of wills from other states.

office, exemplified and attested as a true copy in the manner required by the laws of the state, district or territory in which such will shall have been admitted to probate, to make it legal evidence in such state, district, or territory, to record such will and file the said copy in his office, and any such will, upon being so recorded, shall have the same force and effect in respect to all lands and real estate whereof the testator died seized, as if said will had been admitted to probate in this state, and all conveyances of such real estate heretofore or hereafter made by any executor or executors, or the survivor or survivors of them, or by any devisee or devisees, shall be as valid as if said will had been admitted to probate in this state, and such record or certified copies of said will shall be received in evidence in all courts of this state.

Conveyances of
real estate de-
clared valid, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1882.

CHAPTER XC.

An Act concerning public roads between townships having public road boards or road commissions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall be necessary or advisable to lay out, open, alter, widen, straighten, grade or vacate any public highway between two townships having public road boards or road commissions, it shall be lawful for said road boards or road commissions, jointly as a joint road board, upon the application in writing of ten freeholders in each road district in which said road shall be or be laid out, to lay out, open, alter, widen, straighten, grade or vacate such public highway, such application shall be made to the road board or road commission in each township wherein said applicants are freeholders, and upon the receipt of any such application it shall be the duty of the president of said road board or

Public road
boards upon ap-
plication may lay
out, open, alter or
vacate, &c., pub-
lic road between
two townships.

road commission immediately to notify the president of the road board or road commission of said adjoining township thereof, and upon his receiving a similar application the presidents of said road boards or road commissions shall together forthwith appoint a time and place, when and where their respective boards or commissions shall meet together to consider said application, and shall cause notice thereof to be given to each member of their respective road boards or road commissions, and if said joint board shall deem it expedient to make such improvement it shall cause a map thereof to be made and left at some convenient place to be kept open for inspection at all reasonable times by any interested person desiring to inspect the same, and said joint board shall thereupon cause notice to be given by publication in a newspaper printed and published in the county wherein said improvement is proposed to be made, once a week for four weeks, and by printed handbills, or partly written and partly printed handbills, posted conspicuously in five or more public places in each of the road districts in which said improvement is to be made, stating that such map may be seen and is open for inspection, and requiring all persons interested therein to appear before said joint board at a convenient time and place, to be specified in said notice, when and where the said joint board shall hear and weigh all objections to the said improvements, and thereupon the said joint board shall decide and determine upon the necessity of such proposed improvement, and if the said joint board shall decide and determine in favor of the same they shall make their decision in writing, and shall award such damages as they may deem just to each and every person affected thereby, and assess such lands as they may deem benefited in proportion to the benefit in their judgment received by the owners thereof, the value of land benefited to be taken in consideration with the damages sustained; that within ten days after making said assessment as aforesaid, a printed or written, or partly printed or partly written notice shall be addressed to each individual or party assessed and deposited in the post office in one of said townships, stating the amount of said assessment against said individual or party for said improvement, and that said assessment will remain open for examination and inspection by all persons inter-

Map to be made and kept open for inspection and notice to be published.

Assessment and awarding of damages.

Notice to parties assessed to be given.

ested therein during the fifteen days next succeeding the depositing of said notice in said post office; and that said joint board shall appoint a place where said examination may be made, and they shall attend at such place on a day subsequent to the expiration of said fifteen days to hear and weigh all objections thereto; that said joint board shall thereafter reconsider said assessment and make any alterations therein they may deem just; and thereupon they shall confirm said assessment, and within fifteen days after such confirmation file a map of said improvement, and the decision determined upon by them, in writing, or partly written, partly printed, with said assessment so confirmed and award so made, in the office of the clerk of the said county; and the said joint board shall give notice of such filing by publication in a newspaper printed and published in said county, once a week for four weeks, and the determination of the said joint board shall be final and conclusive in the premises unless an appeal is taken to the court of common pleas of the said county, within the time and in the manner provided for in this act; and that notwithstanding any mistake in the name or names of the owner or owners of any lands, tenements and real estate in the said townships in making awards or assessments, or in giving or addressing notice of the same, such awards and assessments shall be valid and effectual in law against such lands, tenements and real estate, and the same may be proceeded against and sold in the same manner as for other taxes.

Assessment and award to be confirmed and filed in county clerk's office.

Notice of filing to be published.

2. *And be it enacted*, That any person feeling himself or herself aggrieved by the action of the said joint board, may, within thirty days from the first publication of the (last) notice required to be given by said board, appeal to the court of common pleas of the said county by serving a notice in writing upon any member of the joint board, and the said court shall have full power to hear, determine and review the proceedings of the joint board in the premises, and the same, or any award, assessment or other action, to confirm, alter, modify, set aside or reverse, in whole or in part, for errors either of fact or in law; and the said court shall have the power to hear and try the same in a summary way, and may summon a special jury to determine any question of fact, and the said court may proceed in due course according to the power of the court

Persons aggrieved may appeal to court of common pleas.

Determination of court to be final and conclusive.

in other cases ; and the determination of the said court shall be final and conclusive in the premises and not subject to appeal or review, and the said court, or any judge thereof, may, until such determination, stay all proceedings in the matter in reference to which the appeal may be taken until such final determination ; and like fees and costs shall be paid to the judge, jury, officers of the court and parties as are allowed in other causes of which said court has or may have jurisdiction ; and the said court shall have power to make and prescribe all necessary forms, rules and regulations in the conduct of any proceedings to be taken under this act.

Failure to appeal within a certain time the board to proceed and assessments to be a lien on lands.

3. *And be it enacted*, That if no appeal shall be taken within the time and in the manner prescribed herein, the action of the said joint board shall take effect, and the said joint board may proceed to carry out the same under this act ; and any assessment laid by virtue thereof shall be a lien on the lands on which it is laid, and the said joint board shall procure a certified copy of their award and the judgment of the said court of common pleas, if any appeal shall have been taken, to be placed in the hands of the collector of taxes for the time being of each of the said townships, and thereupon it shall be the duty of the collectors of the respective townships to collect the said assessment on the lands in each of their townships in sixty days from the time of placing such copy in their hands, and to pay the same over to such person as shall be designated by said joint board ; and the said collectors shall, in collection of the said assessment, be liable to the same pains and penalties and entitled to the same fees as in the collection of annual township taxes, the said fees being reserved by them out of the amount so collected.

Collector to collect assessments.

Fees of collector.

Benefits as well as damages to be estimated.

Joint board empowered to appoint, employ and remove surveyors, engineers, &c.

4. *And be it enacted*, That all property taken under any provision of this act shall be deemed taken for public use, and in estimating any awards or assessments hereunder, the said joint board shall estimate for benefits as well as for damages ; and the said joint board shall have power to appoint, employ, remove and discharge from time to time such superintendents, surveyors, engineers and laborers as they may deem necessary in order more effectually to carry out the intention of this act, and pay them such compensation or wages as they shall deem fair and reasonable.

5. *And be it enacted*, That the proceedings for the collection of said assessments shall be in conformity to the provisions of the law governing said road boards or road commissions in the townships respectively where the lands assessed may lie, and that the powers of said joint board shall be conformable as far as practicable with the provisions of the said acts, and the members of said joint board shall each receive the same compensation as they would receive for similar services under said acts respectively.

Proceedings for collection of assessments to be in conformity to provisions of law.

Compensation of members of joint road board

6. *And be it enacted*, That the members of said road boards or road commissions shall elect some one of their members to be president of said joint board, and such other officers as they shall see fit, and that each member of said joint board shall have one vote on all questions, and that a majority of such joint board shall constitute a quorum for the transaction of business.

Organization of joint road board.

7. *And be it enacted*, That it shall be lawful for the road boards or road commissions of said townships (not as a joint board) to decide what portion of said roads shall be thereafter maintained and repaired by each road district, and in case said road boards or road commissions cannot agree upon such assignment or division, it shall be lawful for either of said road boards or road commissions to apply to the court of common pleas of said county, giving ten days' notice in writing to the president of such other road board or road commission, and such proceedings shall thereupon be had as are provided by the sixty-second, sixty-third and sixty-fourth sections of the act concerning roads (Revision) in other cases of roads dividing townships.

Road boards to decide what portions of road shall be maintained and repaired.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1882.

CHAPTER XCI.

A Further Supplement to an act entitled "An act to regulate the practice of medicine and surgery," approved March twelfth, eighteen hundred and eighty.

Physicians depositing copy of diploma within a certain time not liable to fines and penalties.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That any physician residing and practicing medicine or surgery in this state, and being a graduate of a legally chartered medical college or university, having power to grant diplomas, who within one year after the passage of the act to which this is a supplement, shall have deposited a copy of his or her diploma with the clerk of the county as required by said act, shall not be liable to any of the fines or penalties prescribed by said act, for a failure to comply with the terms thereof.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1882.

CHAPTER XCII.

Supplement to "An act for the suppression of vice and immorality" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the association known as the Department of New Jersey Grand Army of the Republic, or any similar association of veteran soldiers, or any other association incorporated under the laws of this state, for purposes not inconsistent with said laws, and consisting of not less than one thousand members, shall go or shall be about to go into a field encampment, it shall be lawful for the governor, on application in writing signed by a majority of the council of administration, or other governing body of such association, to appoint and commission one or more persons, not exceeding six in number, who shall be designated in writing as aforesaid, by said council of administration or other governing body, as peace officers, for the purpose of keeping order on the camp grounds and premises occupied by such association, which officers shall have, when on duty, the same powers, authorities and immunities which constables and other peace officers, under the laws of this state, possess and enjoy when acting as such peace officers.

Governor empowered to appoint and commission peace officers.

Powers of peace officers.

2. *And be it enacted*, That one of said officers so designated and appointed may be specially appointed and commissioned so as to possess all the powers and jurisdiction in criminal cases which police justices now or hereafter may be authorized to exercise within any city or town in this state, or for the enforcement of the act to which this is a supplement or any other act tending to the preservation of order, he shall have the right to take recognizances and to do all other acts which a justice of the peace might do under and by virtue of any law of a criminal nature in force in this state, and shall proceed in all respects according to the mode of procedure pursued by justices of the peace in similar cases.

One of the officers to be specially appointed and commissioned to possess powers of a police justice.

3. *And be it enacted*, That officers appointed under the first and second sections hereof, shall have the powers and authorities therein described, within and upon the camp grounds and premises occupied by such association and within one mile thereof (but not within the limits of any municipal corporation), and whilst said premises may be so occupied; they shall hold their offices for one year and shall be paid by said association applying for their appointment, such compensation as shall be agreed upon by them respectively with such association.

Powers and authority to extend within one mile of camp ground and premises.

Term of office.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1882.

CHAPTER XCIII.

A Supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

Mortgages to the chancellor or the state may be deducted from the taxable property assessed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the assessor, or for the commissioners of appeal in cases of taxation, to deduct from the valuation of the taxable property for which any person shall be assessed, any debt or debts due and owing from such person upon any mortgage made to the chancellor, in his official capacity, or to the state of New Jersey for the investment of money in the court of chancery, upon claim for such deduction being made according to law.

Mortgages or debts to be assessed and taxes by whom collected.

2. *And be it enacted*, That such mortgages, or the debts secured thereby, shall be assessed for taxation by the assessor making the deduction on account thereof, and the tax thereon shall be collected by the collector of taxes in and for the city or township wherein the lands in the mortgage described are situated.

Assessments made to persons having beneficial interest in mortgages.

3. *And be it enacted*, That such assessment shall be made to the person or persons having the beneficial interest in the said mortgage or mortgages, or who may be entitled to have the income or interest thereof at the time of such assessment, whether such person or persons reside in this state or not.

Taxes remaining unpaid how collected.

4. *And be it enacted*, That where the person or persons assessed as aforesaid is or are resident or residents of the

state of New Jersey, and such taxes remain unpaid for the space of sixty days after the expiration of the time appointed for the payment of taxes, then it shall be the duty of the collector to proceed to collect such delinquent taxes in the manner provided for by an act entitled "A further supplement to the act entitled 'An act concerning taxes' (Revision), approved April fourteenth, eighteen hundred and forty-six," approved April seventeenth, eighteen hundred and seventy-six.

5. *And be it enacted*, That where the person or persons assessed as aforesaid is or are a non-resident or non-residents of the state of New Jersey, it shall be the duty of the person claiming deductions to pay the taxes so assessed, and payment of the same may be enforced by like means and processes as if the same had been originally assessed to such person, and any taxes which such person may pay or satisfy as aforesaid, shall be deemed and taken to be a payment, so far as such payment will extend, on the interest or income due or to grow due on or secured by the said mortgage.

6. *And be it enacted*, That in case any taxes assessed since the fourth day of July, one thousand eight hundred and seventy-nine, upon any of the said mortgages or the debts secured thereby, to the person or persons for whom the same was or were at the time of such assessment, held in trust by the chancellor in his official capacity or the state of New Jersey, for the investment of money in the court of chancery or who then had or were entitled to have the beneficial interest or income from the same, shall be and remain unpaid, it shall be the duty of the person or persons who claimed deduction from the same, to pay such taxes to the collector of the township or city wherein the said deduction was made, and in case of the failure of such person or persons to pay the said taxes within ten days after demand, collection of the same may be enforced, the same as if they had originally been assessed upon his or their property; and the payment of such taxes shall operate as a payment, so far as the same will extend, on any interest or income due or to grow due on the mortgage debt.

7. *And be it enacted*, That upon petition of the collector for the time being of any township or city to which any of the said taxes assessed as aforesaid now are or here-

When persons assessed are non-residents person claiming deductions to pay the tax.

Taxes assessed since a certain time remaining unpaid person claiming deduction to pay the tax.

Failure to pay collection may be enforced.

Upon petition of collector chancellor may make order for payment of taxes.

after may be due and unpaid, it shall be lawful for the chancellor to make such order, and take such measures for the payment of the same, out of the income or interest of the mortgage or debt secured thereby, on which the said tax is assessed, as to him shall seem proper, and to enforce such order as in other cases.

8 *And be it enacted*, That this act shall take effect immediately, and that all acts or parts of acts inconsistent herewith, be and the same are hereby repealed.

Approved March 17, 1882.

CHAPTER XCIV.

An Act entitled "An act for regulating and ascertaining the lines between adjoining lands of different owners."

Proceedings in
case of dispute
between owners of
adjoining lands.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in all cases of any dispute between the owners of adjoining lands, respecting the location of any dividing line or lines between said lands, it shall and may be lawful for either owner or owners to make application in writing, to any judge of the court of common pleas of the county in which said lands lie, for the appointment of three disinterested commissioners, whose duty it shall be to fix, ascertain and regulate such line or lines, and which appointment the said judge is hereby authorized and empowered to make in writing; *provided, always*, that the party making the application shall have given the opposite party at least ten days' written notice of said application.

Proviso.

Commissioners to
take and subscribe
oaths.

2. *And be it enacted*, That one of said commissioners shall be a practical surveyor, and, before entering upon their duties, all of said commissioners shall take and subscribe an oath, before any person authorized by the laws of this state to administer the same, that they, and each of them, will fairly and impartially, and to the best of their judgment, ascertain the true location of said lines,

which oath or affirmation shall be filed with said judge within twenty days after the said appointment is made.

3. *And be it enacted*, That upon filing said oath with the said judge, the commissioners shall, and they are hereby authorized to, enter upon any lands or real estate, for the purpose of ascertaining and deciding the location of the line or lines in dispute, and they shall have power for the purpose to examine witnesses under oath, and fully inquire into the questions in dispute, and after ascertaining the same, shall, within twenty days thereafter, file a report thereof with said judge, and which report, together with the notice of application and the order of appointing said commissioners, the said judge shall file within ten days after receiving the same, in the office of the clerk of the court of common pleas of said county, and which report shall be final and conclusive against all parties, their heirs and assigns, unless the same shall be appealed from in manner herewith provided.

Commissioners empowered to enter on lands and to examine witnesses, &c.

Report to be filed.

4. *And be it enacted*, That either party may appeal, within thirty days after the filing of said reports, to the circuit court of said county, by filing with the clerk of said court, within said time, a notice of dissent from said report, in which the party dissenting shall state the ground of the dissent, and in such case the said circuit court shall have full power and authority to try and determine said appeal, and the decision of said court shall be final and conclusive between all parties, their heirs and assigns; *pr vided, however*, that either party, upon application to the court and upon ten days' notice, in writing, to the opposite party, may demand and shall be entitled to a trial by jury, of the matter in controversy, in like manner as issues of fact are now tried in the circuit courts of this state, which said jury may be a struck jury, and shall be summoned in the manner now provided by law for the summoning of petit juries or struck juries as the case may be in the circuit court, and the circuit court of said county shall, on application of either party to said controversy, direct a proper issue for the trial of said controversy to be formed between the said parties, and the trial thereof shall proceed in like manner as other jury trials in said circuit court, and with the same rights of appeal by writ of error or otherwise, as now provided and practiced in the courts of law of this state in cases of

Parties aggrieved may appeal to circuit court.

Proviso.

trial by jury; judgment therein shall have the same force and effect as judgments in cases of jury trial in said courts now have.

Compensation of
surveyor, commis-
sioners, &c., and
by whom paid.

5. *And be it enacted*, That the surveyor shall receive for his services the sum of three dollars per day, and the remaining two commissioners two dollars per day, for each day employed, and the judge shall receive one dollar and fifty cents for each order made in the proceedings, which fees and all costs shall be paid by the party against whom said report, decision or verdict is made or rendered.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1882.

CHAPTER XCV.

A Supplement to an act entitled "An act to regulate the practice of courts of law" [Revision], approved March twenty-seventh, eighteen hundred and seventy-four.

Adverse parties
may require a
specification of
cause of demurrer.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That whenever, in any action at law, a demurrer, alone or in connection with other pleadings, shall be filed to any pleading, the adverse party or parties, or any of them, shall be at liberty, by a demand in writing, to require a specification of the cause or causes of demurrer on which the demurrant intends to rely upon the hearing of such demurrer; and the demurrant shall thereupon, within twenty days after such demand, furnish the adverse party or his attorney with a specification, in writing, of the cause or causes of demurrer; and, at the said hearing, the demurrant shall be confined to the cause or causes of demurrer contained in such specifications; and in case of the neglect or refusal of the demurrant to furnish such specification within the time limited or granted, the said demurrer shall be treated as a nullity; *provided*, that where the ends of justice require it, the

Demurrant to fur-
nish specification
and on failure the
demurrer to be a
nullity.

Provida.

court or a judge thereof may, at any time before the hearing, and on equitable terms, grant further time to furnish such specification, and may also permit the specification which shall have been served to be amended.

2. *And be it enacted*, That any pleading to which a de-^{Pleading to de-} murrer shall be filed may be amended by the party of ^{murrer may be} course, without application to the court, upon the pay-^{amended and} ment of the costs of such demurrer and service of a copy ^{copy to be served.} of the amended pleading on the adverse party or his attorney, within twenty days after the time to join in such demurrer shall have commenced to run; and the demurrant shall file his pleading in answer to such amended ^{Answer to be filed.} pleading within thirty days after such service, and in default thereof judgment may be entered against such defaulting party for want of such pleading, unless the court or a judge thereof, under special circumstances, shall grant further time; and in such case, the said party shall file such pleading within the time so granted, or judgment as aforesaid may be entered against him.

3. *And be it enacted*, That the notice of any motion to ^{Notice of motion} strike out any pleading or any part thereof shall contain ^{to strike out to} a particular statement of the defects in, or objections to ^{contain statement} such pleading on which the party giving the notice intends ^{of defects or ob-} to rely at the hearing of such motion, and matters not ^{jections.} specified in the said notice shall not be considered or have any effect upon the hearing and disposition of such motion.

4. *And be it enacted*, That all acts or parts of acts inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 17, 1882.

CHAPTER XCVI.

A Further Act concerning cities.

Common council
authorized to fix
by ordinance
times and dates of
taxes required
shall be assessed
and collected, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of any city may fix by ordinance the times and dates within which taxes required by law to be raised in such city, whether state, county, municipal or other taxes, shall be assessed, as well as the times and dates when the same shall become due and within which the same shall be collected, the date of the session of the commissioners of appeal, and the date on which the collector of taxes in said city shall make return of the names of the delinquents in the payment of such taxes, in order to the issue of warrants for the collection of taxes due from such delinquents respectively; and whenever the common council of any city shall so fix such times, dates and periods as aforesaid, all provisions of law affecting such city, so far as they fix such dates, times and periods otherwise, shall be suspended and of no effect so far as concerns such city, during the continuance of such ordinance unrepealed; *provided*, that nothing herein contained shall be construed to authorize the fixing of any date, time or period, as aforesaid, later than the several corresponding dates, times or periods for the assessment, time of falling due, collection, session of the commissioners of appeal and return of delinquents, which are, or shall at any time be, fixed by the general law in respect of townships.

Proviso.

Assessment and
collection of taxes
how and by whom
assessed and col-
lected.

2. *And be it enacted*, That every city shall have full power, through its appropriate officers, to assess and collect its full quotas of state, state school and county taxes, and that said taxes shall, in each city, be assessed and collected by the same officers and in the same manner as municipal taxes in such city are or shall be by law directed or authorized to be assessed and collected,

respectively, and the names of delinquents in the payment of such taxes shall also, so far as said taxes shall remain unpaid, be returned, with the sums due from such delinquents, respectively, in the same manner, and to the same magistrate, as the names of delinquents in the payment of municipal taxes in such city are by law required to be returned; every assessor and collector who is by law charged with any duty in respect to the assessment or collection of municipal taxes in any city, is hereby empowered and directed to perform the like duties, in respect to the assessment and collection, respectively, of such city's quotas of state, state school and county taxes, and the common council of such city is hereby empowered and directed to exercise the like authority, supervision and control over and in respect to the assessment, collection and enforcement of such city's quotas of state, state school and county taxes, as well as of its taxes for municipal and other local purposes, as township committees of townships are by law empowered to exercise over and in respect to the assessment, collection and enforcement of state, state school and county taxes required to be raised in townships, and any balance of moneys remaining in the hands of the treasurer of any city, derived from the levy of state, state school or county taxes, for any year, shall, after the quota of state, state school and county taxes, due from the taxes of such city for that year, and for all previous years, has been paid in full, be transferred to the general fund, and belong to and be applicable to the general municipal or other purposes of such city.

3 *And be it enacted*, That after the date fixed, pursuant to the provisions of this act, by the common council of any city for the return of the names of delinquents in the payment of any taxes, the magistrate to whom any such return in such city shall have been made, shall thereupon issue his warrant, and, if required, shall issue from time to time successive alias and pluries warrants, for the collection of such taxes, to such officer as shall have been or shall be designated by such common council to receive the same, commanding him to collect such taxes, with the interest and costs by law chargeable thereon, by levy and sale of personal property in like manner as justices of the peace in townships are authorized by law to issue warrants for the collection of taxes

Magistrate to issue warrant for collection of unpaid taxes.

Taxes may be collected by levy and sale of personal property.

in townships, and with the like force and effect; and such common council may at any time revoke the designation of any such officer, and designate another for the like purpose, who shall have the like powers; and the officer to whom any such warrant shall have been issued, is hereby empowered and directed to collect all taxes by such warrant commanded to be collected, whether such taxes be for state, county, municipal or other purposes, and to this end he is empowered and directed to levy upon and sell personal property of delinquents, so far as may be necessary to collect the amounts due from them respectively for such taxes, with the interest and costs by law chargeable thereon, in like manner as is required or authorized by law in respect to or upon similar warrants issued in townships.

Return of names
of delinquents to
be made by col-
lector.

4. *And be it enacted*, That whenever, by reason of any ambiguity or inconsistency in or misconstruction of existing laws, or for any other reason, no legal return of the names of delinquents, in the payment of any taxes now or heretofore due and payable in any city has been made, then and in such case, at any time within six months after the passage of this act, a return of the names of delinquents in the payment of such taxes, with the sums due from them respectively, shall be made by the collector for the time being, to the magistrate to whom, by the foregoing provisions of this act, returns are required to be made; *provided*, that the common council of such city shall by resolution so direct; and upon the receipt of such return and upon the request of such common council, such magistrate shall issue his warrant and, if required, shall issue from time to time successive alias and pluries warrants for the collection of such taxes, to such officer as shall have been or shall be designated by such common council to receive the same, commanding him to collect such taxes, with the interest and costs by law chargeable thereon, by levy and sale of personal property, in like manner as justices of the peace in townships are authorized by law to issue warrants for the collection of taxes in townships, and with the like force and effect; and such common council may, at any time, revoke the designation of any such officer, and designate another for the like purpose, who shall have the like powers; and the officer to whom any such warrant shall have been issued, is

Proviso.

hereby empowered and directed to collect all taxes by such warrant commanded to be collected, whether such taxes be for state, county, municipal or other purposes, and to this end he is empowered and directed to levy upon and sell personal property of delinquents, so far as may be necessary to collect the amounts due from them respectively for such taxes, with the interest and costs by law chargeable thereon, in like manner as is required or authorized by law in respect to or upon similar warrants issued in townships.

5. *And be it enacted*, That the powers conferred, and duties imposed, by law upon any officer, in any city, in respect to the collection or enforcement of taxes in such city, including the power and duty of issuing warrants therefor, shall not lapse or cease to exist by reason of the expiration of his term of office, or by reason of any vacancy which may arise in his said office, but all such powers and duties shall, so far as the same shall not have been executed or performed, devolve upon his successor in office, and be executed and performed by such successor; and if at any time within six years next previous to the passage of this act, the power to collect and enforce the payment of any taxes in any such city has lapsed or ceased to exist, solely through the expiration of the term of office of any such officer, then, and in every such case, the time to collect such taxes in such city shall be, and hereby is, extended and continued for two years next after the passage of this act, and at any time within six months after such passage a return of the names of the delinquents in the payment of such taxes, with the sums due from them, respectively, may be made, and warrants issued by and to the same officers or persons, respectively, and in like manner, and with like effect, as is provided in the last preceding section of this act with reference to the making of returns and the issue of warrants in cases of improper, illegal or inadequate returns, or in case of the absence of any returns, by reason of ambiguity or inconsistency or misconstruction of the law.

6. *And be it enacted*, That this act shall not take away or impair any power conferred by law upon any city, or any officer thereof, in relation to the assessment, collection or enforcement of taxes, and shall not apply to any city within whose limits state and county taxes are now

Powers and duties of certain officers not to lapse or cease by reason of expiration of term of office.

Power to collect and enforce payment of taxes lapsed or ceased to exist extended.

Act not to take away or impair powers of any city or officer conferred by law

assessed and collected by officers of a township or townships.

Terms used how
construed.

7. *And be it enacted*, That the term common council, whenever used in this act, shall be construed to mean the legislative body of any city, whether called "common council" or "board of aldermen," or called or known by any other designation.

8. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 17, 1882.

CHAPTER XCVII.

An Amendment to an act approved March tenth, one thousand eight hundred and eighty, entitled "A further supplement to an act entitled 'An act concerning taxes,'" approved April fourteenth, one thousand eight hundred and forty-six, making the same a first lien on real estate.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act approved March tenth, one thousand eight hundred and eighty, entitled as above set forth, be and the same hereby is amended so as to read as follows:

Unpaid taxes to
be and remain a
first lien on lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any and all taxes which shall or may hereafter be laid, assessed or imposed, pursuant to the laws of this state, within any incorporate city, village, borough or other municipality of this state, against any person or persons or corporations for or on account of any lands, tenements, hereditaments or real estate situate, lying and being in such city, village, borough or other municipality, together with lawful interest thereon accruing, and all costs, fees, charges and expenses in relation

to the levy, assessment and collection of said taxes, shall be, become and remain, from and after the date of such levy and assessment, a full and complete first and paramount lien on all the lands, tenements, hereditaments or real estate, on account of which such levy and assessment shall be made, for and during the period now provided for in the act of incorporation or any supplement thereto or revision of the same, of any such city, village, borough or other municipality as aforesaid, or if no such period is provided in such act of incorporation, supplement or revision, for and during the period of three years; and that any and all estates therein, whether legal or equitable, and any and all mortgages, alienations, devises, descents, liens and incumbrances of every kind and nature, of, in, upon or against such lands, tenements, hereditaments or real estate, shall be in every respect subject and subservient to the lien of the aforesaid taxes, interest, costs, fees, charges and expenses; *provided, however,* that nothing herein contained shall be construed to apply to any township in this state, or to conflict with any laws regulating the assessment and collection of taxes in said townships.

Mortgages, incumbrances, &c., to be subject and subservient to taxes, &c.

Proviso.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 17, 1882.

CHAPTER XCVIII.

An Act concerning cities in this state.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That in all cities of this state which now have or hereafter shall have the care of streets, sewers and water vested in a single municipal board, such board shall have power to elect a chief engineer, who shall have been a resident of such city for at least two years prior to his election, and be a civil engineer in active

Boards authorized to elect chief engineer of public improvement.

Term of office and
compensation.

practice in either public or private capacity at the time of such election; such officer so elected shall have full charge of all matters pertaining to the business of a civil or hydraulic engineer in relation to any public improvement or other work proper to be managed under the direction of such municipal board; his term of office shall be for two years from the date of such election, or in any case where such election shall require confirmation by any other city board or officer, for two years from the date of such confirmation, and such officer shall receive such salary as shall be fixed by said board appointing him, not exceeding the sum of five thousand dollars per annum, and such board shall have power to remove him for malfeasance in office or incompetency, after proper trial and opportunity to be heard in his defence; but nothing in this section shall shorten the time of any chief engineer now holding office, unless he shall be appointed to succeed himself for the full term as above, and whenever the act of the appointing board shall require confirmation by any other board or city officer the incumbent then or now in office shall continue in office until his successor is appointed and confirmed.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 17, 1882.

CHAPTER XCIX.

A Supplement to an act entitled "An act to establish a bureau of statistics upon the subject of labor, considered in its relation to the growth and development of state industries."

Amount of appropriation.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the sum of three thousand dollars be and is hereby appropriated for the current expenses of said bureau.

2. *And be it enacted*, That the treasurer of this state is hereby authorized to pay from any money, not otherwise appropriated, the sum provided for in the first section of this act. Treasurer to pay amount

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1882.

CHAPTER C.

A Supplement to an act entitled "An act to establish a state board of health," approved March ninth, one thousand eight hundred and seventy-seven, which supplement was approved March twelfth, one thousand eight hundred and eighty, and also a supplement to the further supplement to said act, approved March twenty-third, one thousand eight hundred and eighty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any animal is killed or ordered to be killed by the state board of health or its agents, on account of its having a contagious disease, or having been exposed thereto, any three freeholders resident in this state may appraise the same, and certify to said appraisement by their signatures in presence of a witness. Animals ordered killed freeholders may appraise same.

2. *And be it enacted*, That if any person shall knowingly buy or sell any animal that is in a herd held in quarantine, or that has been exposed to a contagious disease, he shall be subject to the penalties contained in section eight of the supplement approved March twelfth, one thousand eight hundred and eighty, and that the state board of health may call upon local boards of health to discover cases of contagious disease, or to aid in provisions for their abatement. Penalty for buying or selling animals held in quarantine or been exposed to contagious disease.

Annual appropriation.

3. *And be it enacted*, That one thousand dollars is hereby made the annual appropriation to defray the expense incurred by the state board of health in the execution of the several acts relating to the contagious diseases of animals, the same to be audited and approved as provided for in section six of the supplement to the act to which this is a supplement, which supplement was approved March twelfth, one thousand eight hundred and eighty.

Who to authorize greater expenditure in case of prevalence of contagious diseases, &c.

4. *And be it enacted*, That if on account of the prevalence of any contagious diseases of animals, or the necessary guarding against the same, any greater expenditure shall seem to be required, the state board of health shall state the facts in evidence to the governor, the secretary of state and the comptroller, who shall authorize such additional amount as they may think to be required, the expenditure of the same to be accounted for as in the manner heretofore provided, but in no case shall the yearly amount, thus authorized to be expended, exceed five thousand dollars.

Who to determine the yearly amount to be allowed board or members for services.

5. *And be it enacted*, That the governor, the secretary of state and the comptroller, shall determine the yearly amount to be allowed to said board or any member thereof, for services in the oversight and execution of the several acts relating to the contagious diseases of animals.

6. *And be it enacted*, That all parts of acts inconsistent with this act be and the same are hereby repealed.

Approved March 17, 1882.

CHAPTER CI.

An Act to authorize townships to pay for work done on the roads after the first day of October, eighteen hundred and eighty-one.

Bills for work done on roads authorized to be paid.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the proper authorities in the several townships of this state to pay

to the overseers of the roads their bills for work done on the roads after the first day of October, of the year of eighteen hundred and eighty-one, in all cases where the dry weather prevented such work from being done before that date, as required by law ; *provided*, such bills be in ^{tho'wise.} all other particulars correct.

2. *And be it enacted*, That this act be deemed a public act, and take effect immediately.

Approved March 17, 1882.

CHAPTER CII.

A Further Supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That in all cases where a tax shall be levied in any city, borough, town or township of this state, which tax shall include any moneys to be raised for school purposes, the amount of the tax against any property, either real or personal, which shall be intended for said school purposes, shall be entered in the tax levy made against said property as a separate item ; and all tax bills which shall be sent out or rendered by any city, borough, town or township of this state shall state the amount of said school tax in a separate item. ^{Taxes levied for school purposes to be entered in tax levy as a separate item.} ^{Amount of school tax to be stated on bill.}

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1882.

CHAPTER CIV.

An Act relative to fishing in the North and South Shrewsbury rivers, and in the waters of Sandy Hook and Raritan bay.

136-1
A-15-751

When lawful to
fish with seine
and fike nets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful to fish with fike nets in the North and South Shrewsbury river, except between the fifteenth day of May and the first day of August in any year, and that it shall be lawful to fish with seine and fike nets in the waters of Sandy Hook and Raritan bay throughout the year.

Where crab nets
may be drawn.

2. *And be it enacted*, That it shall be lawful to draw crab nets not exceeding sixty feet in length and not less than three-inch mesh in the North and South Shrewsbury rivers.

Where gill nets of
a certain mesh
may be set.

3. *And be it enacted*, That it shall be lawful to set gill nets in the North and South Shrewsbury rivers, with not less than three-inch mesh for the purpose of taking moss bunkers.

Where unlawful
to set or haul nets.

4. *And be it enacted*, That it shall not be lawful to set or haul any net of any kind within one quarter of a mile of the Sea Bright draw bridge, and the Highland of Navesink draw bridge.

5. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 17, 1882.

CHAPTER CV.

Supplement to an act entitled "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any corporation incorporated, created, registered or chartered by any foreign state, kingdom or government, to hold, mortgage, lease and convey such real estate in this state, as may be necessary, for the purpose of carrying on the business of such corporation in this state, or such real estate as it may acquire by way of mortgage or otherwise, in the payment of debts due such corporation ; *provided*, such state, kingdom or government, under whose laws such corporation was created, shall not be at the time of such purchase, at war with the United States.

Foreign corporation may hold, mortgage, lease and convey real estate, &c.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1882.

CHAPTER CVII.

A Further Supplement to an act entitled "An act constituting courts for the trial of small causes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Appeals from judgments may be made to district courts only.

Appeals how taken.

Procedure on appeal.

Appeals to stay all proceedings until same determined by court.

Repealer

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That from any judgment which may be obtained before any justice of the peace or any police justice in any city where a district court or district courts are established, in any bastardy or desertion actions, and from any judgments in all proceedings of a civil nature in which such justice of the peace has or may hereafter have jurisdiction, either party may appeal only to the district court of said city, which appeal shall be taken by a notice in writing, signed by or in behalf of the appellant, briefly describing the judgment and stating the name of the district court to which the appeal is taken, which appeal must be taken within ten days after the rendering of said judgment by said justice, and the proceedings on appeal shall be conducted in the district court in the same manner as appeals are now heard and determined by the inferior courts of common pleas of the several counties of this state and may be brought on to hearing at any time after filing in district court upon ten days' notice by either party to the other.

2. *And be it enacted*, That in any city having two district courts, any appeal may be taken to either of said courts, and said appeal shall stay all proceedings until the same is determined by the district court to which the appeal is taken; that such order, determination or decision of any district court of this state upon any point of law or upon the admission or rejection of evidence may be removed into the supreme court by writ of certiorari; said writ shall remove said order or determination and a case agreed upon by the parties or their attorneys and if they cannot agree the judge on being applied to by them or their attorneys shall settle the case and sign it and such case shall be agreed upon or settled within fifteen days after such determination or direction; *provided*, that the party applying for a writ of certiorari shall comply with section ninety-seven of an act entitled "An act constituting courts for the trial of small causes [Revision], approved March twenty-seventh, eighteen hundred and seventy-four.

3. *And be it enacted*, That all acts or parts of acts inconsistent herewith, whether general or special, be and the same are hereby repealed.

4. *And be it enacted*, That this act shall be deemed and

taken to be a public act, and shall take effect immediately.

Approved March 17, 1882.

CHAPTER CVIII.

A Supplement to an act entitled, "A further supplement to an act entitled, 'An act concerning corporations,' approved April seventh, eighteen hundred and seventy-five," which supplement was approved February twenty-first, eighteen hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement, be amended so as to read as follows : Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any company incorporated under the laws of this state, by special act of incorporation, is limited by its charter to a certain amount of capital stock, such corporation shall have power, from time to time, to decrease the amount of its capital stock on filing with the secretary of state the assent, in writing, of stockholders representing two-thirds in value of the existing capital stock, and a certificate setting forth the amount of capital stock as decreased, and published for three weeks in a newspaper circulating in the county in which the place of business of any such company is located ; and in default thereof the directors of the company shall be jointly and severally liable for all debts of the company contracted before the filing of the said certificate, and the stockholders shall also be liable for any such sums Companies may decrease amount of capital stock.

Assent of stockholders and certificate to be published and filed.

Certificate of secretary of state to be taken and accepted as evidence.

Proviso.

as they may respectively receive of the amount so reduced ; and the certificate of the secretary of state that such assent and certificate have been filed in his office shall be taken and accepted as evidence of such decrease in any court of this state ; *provided*, no such reduction of stock shall be construed to effect any reduction of the taxes that may be required to be paid by the special acts respectively incorporating such companies.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1882.

CHAPTER CIX.

A Supplement to an act entitled " An act concerning disorderly persons," approved April nineteenth, one thousand eight hundred and seventy-five.

Proceedings in case husband or father deserts or refuses or neglects to provide for and maintain his wife or family.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any husband or father who deserts or willfully refuses or neglects to provide for and maintain his wife or other family, and his said wife or other family shall be a public charge in any poor-house of this state, then proceedings may be had and taken for the better relief of the board of chosen freeholders, or other authority or authorities having the direction and government of such poor-house, upon application of the director or any member of the poor-house committee of said board of freeholders, or any officer or keeper of any such poor-house, in the same manner as by said act may be had for the relief of any township or city in which any such wife or other family might become chargeable.

2. *And be it enacted*, That if any such husband or father

shall be or reside in any other county of this state than that in which said warrant shall be issued, the justice issuing the same shall, in writing, thereupon direct the sum in which any bond shall be taken of the party so charged, and it shall be the duty of the constable to carry it to some justice of the county wherein such person resides or can be found ; the justice to whom the same shall be presented, on proof being made to him of the handwriting of the justice who issued such warrant, shall endorse his name thereon, with an authority to arrest such person in the county where the justice so endorsing shall reside, which shall be a sufficient authority to the constable bringing such warrant in the county where it shall be endorsed.

When husband or father resides out of county how warrant shall issue.

Justice to cause person to be arrested.

3. *And be it enacted*, That the party so charged, being apprehended, shall be taken before the justice who endorsed said warrant, or some other justice of the same county, who may take from such person a bond to the state of New Jersey, with good and sufficient surety or sureties, to be approved by said justice, in the sum so directed on said warrant, conditioned for his appearance before said justice who issued said warrant at a time therein to be named, to answer said complaint, and to abide all orders, judgments and decrees that may be made against him touching said complaint.

Party apprehended to give bond for appearance before justice who issued warrant.

4. *And be it enacted*, That in default of such person giving such bond, with surety or sureties to the satisfaction of the justice before whom he shall be brought, then the constable having the warrant shall take such person before the justice who issued said warrant ; but if such bond is given as aforesaid, the justice taking the same shall discharge the person so apprehended from arrest, shall endorse on the warrant a certificate to that effect, and deliver the warrant, with the bond taken by him, to the constable who brought said warrant, who shall deliver said warrant and said bond to the justice who issued said warrant, who shall proceed thereon in the same manner as if such bond had been taken by him.

Proceedings in case of default of person to give bond.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1882.

CHAPTER CX.

An Act to provide for the better security of life and limb in cases of fire in hotels and other buildings.

Buildings to be provided with a safe external means of escape in case of fire.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons owning, leasing, or in any manner having charge or control of any hotel or boarding house for the accommodation of the public, any public school or other public building, factory, manufactory, or workshop of any kind, in which guests, students, employes, or operatives, to the number of thirty or more, are accommodated, or steadily or casually at work, or congregate, when any of such buildings are three or more stories in height, said owners, lessees, or other persons having charge or control of said buildings, shall provide all such buildings with a safe, external means of escape therefrom, and so arranged that in case of fire the ground can be readily reached by the persons occupying the third and higher floors.

Duties and powers of fire inspector.

2. *And be it enacted*, That it shall be the duty of every fire inspector of any city in this state, or any common council, board of aldermen, or other official board of any city, town, borough, or of any township of this state, by whatever name such authorities may be known, to designate the number, kind and manner of erection of such external fire escapes to any of said buildings, and shall give notice in writing to the owner or lessees or the person having charge or control of said building, and set forth in said notice the number, kind and manner in which said external fire escape or escapes is or are to be erected, required by said fire inspector or ordinance of said municipal authorities, or resolution of said other official boards.

Penalty for violation of this act.

3. *And be it enacted*, That any violation of this act, or neglect to comply with said notice to put up said fire escape or escapes within ninety days after said notice is received, shall be deemed a misdemeanor, and any person

or corporation convicted thereof shall be liable to a fine not exceeding three hundred dollars, in the discretion of the court, and shall also be liable in an action for damages in case of death or personal injury sustained in consequence of fire breaking out in any such building, and of the absence of such efficient fire escape ; and such action may be maintained by any person now authorized by law to sue as in other cases of similar injuries.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1882.

CHAPTER CXI.

An Act to authorize the boards of chosen freeholders of the respective counties of this state to issue bonds to pay assessments for the improvement of avenues and roads.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That whenever, in any county of this state, any assessment has heretofore been made, imposed or assessed against said board, by virtue of any law of this state, for any part of the costs, charges and expenses of the improvement of any avenue or avenues, road or roads, or avenues and roads in such county, made by any commissioners or board of commissioners duly authorized by law to make the same, and which by law it is or has been provided, shall be paid by said county, on account of said improvements, and that the said sum so assessed shall be raised by general taxation, as other county taxes are raised ; then in every such case it shall be lawful for the board of chosen freeholders of any such

Assessments heretofore imposed or assessed for costs, charges and expenses of improvements to be paid by county and raised by taxation.

Board of freeholders to borrow money and issue bonds.

county, instead of placing the whole amount of such assessment in the tax levy for any one year, to borrow such sum or sums of money as may be required to pay said assessment and lawful interest thereon, and to cause by resolution the bonds of such county, in the name of the board of chosen freeholders, to be issued for the same in such sums each as said board may deem proper, and that the moneys realized from such bonds shall be paid to the county collector, to be by him applied as hereafter specified.

Amount to be raised and paid to be applied by the collector rateably upon bonds or improvement certificates outstanding.

2. *And be it enacted*, That whenever any bonds or improvement certificates shall have been heretofore issued for such improvement by any board of commissioners, authorized to issue the same, the amount so to be raised and paid by such county shall be applied by the collector rateably upon such bonds or improvement certificates then outstanding as will appear by the records or books of such board of commissioners upon the holders thereof producing the same to such collector who shall thereupon endorse such payment upon such bonds or certificates ; *provided, however*, that such bond or improvement certificate be produced before said collector and marked by him for identification within six months after the passage of this act.

Proviso.

Bonds authorized to be issued may be coupon or registered and how sold

3. *And be it enacted*, That the bonds authorized to be issued by the first section of this act, may be either coupon or registered bonds, as the board of chosen freeholders may determine ; and the same shall be made payable, both principal and interest, at the office of the county collector of such county, and said bonds shall be sold by the board of chosen freeholders of such county, upon the orders and resolutions thereof, either upon bids for the same, duly advertised for, or otherwise ; *provided*, that said bonds shall in no case be sold at less than par ; the director of such board and the county collector of such county shall sign said bonds, and the same shall be sealed with the seal of the county, and the county collector shall number and register the same ; and registered bonds may be exchanged for coupon bonds, and coupon bonds exchanged for registered bonds, at the request of the holder thereof ; *provided*, that the board of chosen freeholders, by resolution, shall consent to such exchange ; and said bonds shall bear such interest as such board

Proviso.

shall determine, not exceeding six per centum per annum, and said interest shall be paid semi-annually, and said bonds shall have such time to run as said board of chosen freeholders may, at the time of the issue thereof, by resolution determine, not exceeding thirty years.

4. *And be it enacted*, That the said board of chosen freeholders shall, each year, place in the tax levy for such county for such year, so long as such bonds shall run, a sufficient sum to pay all interest on said bonds during such year, and also a sufficient sum to pay the principal of said bonds falling due within the year; the same to be levied and raised in the same manner as other county taxes are levied and raised.

Principal and interest falling due how levied and raised.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1882.

CHAPTER CXII.

Supplement to an act entitled "An act to organize and establish a state board of agriculture," approved April fourth, one thousand eight hundred and seventy-two

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state board of agriculture shall hereafter consist of the following members, to wit: the superintendent and four members of the board of managers of the state geological survey, to be chosen by said board; the president and two of the professors of the state agricultural college, to be chosen by the college faculty; four members of the board of visitors of the state agricultural college, to be chosen by said board; the president of the board of managers of the New Jersey

Who to constitute the state board of agriculture.

agricultural experiment station, and the director of said station ; the master of the state grange of husbandry, one delegate from each state agricultural or horticultural society, and one from each county society or county board of agriculture which may associate itself with the state board in the manner hereinafter provided ; the professor of agriculture in the state agricultural college shall be ex-officio a member of the state board, with all the rights and privileges of other members.

Term "county society" what held to include.

2. *And be it enacted*, That the term county society, as used in the foregoing section, shall be held to include only such county societies as hold an annual fair or exhibition ; and the state board or its executive committee shall have the exclusive right to determine the claim of any such society to representation in said board ; *provided*, that no more than one society in any county shall be entitled to representation.

Proviso.

Term of office of members of state board.

Proviso.

3. *And be it enacted*, That the members of the state board shall hold office for the term of two years, and until their successors are appointed ; *provided, however*, that of the members first chosen after the passage of this act one-half shall be chosen for the term of one year, and the remaining one-half for the full term of two years, and that thereafter one-half of the members shall be chosen annually for the full term of two years, except in case of vacancies, when members shall be chosen for the unexpired term only ; *and provided, further*, that the executive committee of the state board shall divide into equal classes, as nearly as may be, the members first chosen from state and county societies and county boards, after the passage of this act, one of which classes shall serve for the term of one year, and the other for the full term of two years ; and that thereafter all such members (except for the filling of vacancies) shall be chosen for the full term of two years.

Proviso.

Present organization and membership of state board to continue until next meeting, &c.

4. *And be it enacted*, That the organization and membership of the state board, as they may be at the time of the passage of this act, shall so continue until their next annual meeting ; and thereafter the term of members shall run from and to such annual meetings, which shall be held in each year not earlier than the first day of January, nor later than the first day of March.

5. *And be it enacted*, That it shall be the duty of the state

board of agriculture to encourage and aid, as far as practicable, the formation of county boards of agriculture in the several counties of this state (to the end that all the agricultural interests of the state may be fully represented), in the manner following, to wit :

I. In counties having no agricultural organization, any number of citizens, not less than ten, may organize a county board of agriculture by electing a president, a secretary, a treasurer, and a board of not less than five directors, adopting the name of "the county board of agriculture" (inserting in each case the name of the proper county), and filing with the secretary of the state board of agriculture, and also with the clerk of such county, a certificate of such organization ;

II. In counties having but one agricultural organization (whether known and designated as a "society," "club," or "grange"), such organization may become the county board of agriculture for such county, by electing the officers and directors prescribed in the first paragraph of this section, adopting the name of "the county board of agriculture" (inserting in each case the name of the proper county), and filing with the secretary of the state board of agriculture, and also, with the clerk of such county, the assent of such organization to the provisions of this act and the act to which this is a supplement ; the certificate filed in every such case shall show that such assent was given by vote of at least two-thirds of the bona fide members of such organization present and voting, at a meeting called for the express purpose of acting upon said question after such, notice to members as, by the rules of such organization, is or may be required to be given in similar cases.

III. In counties having more than one agricultural organization (whether designated as "societies," "clubs," or "granges"), such organizations, or so many of them (not less than two) as may elect so to do, may organize a county board of agriculture, to consist of representatives chosen by the several organizations in the proportion of one representative for every five bona fide members, and one for every additional three or more members, which representatives, when assembled at a convenient time and place, previously designated by mutual agreement or consent, shall constitute and organize a county board of agri-

Duty of state board to encourage and aid the formation of county boards.

How county boards may be organized in counties having no agricultural organization.

Counties having but one agricultural organization how to become and organize as a county board of agriculture.

Counties having more than one agricultural organization how to become and organize as a county board.

culture, by filing the assent of their respective organizations (to be given by a vote of at least two-thirds of the bona fide members of such organizations, respectively,) to the formation of a county board, electing the officers and directors prescribed in the first paragraph of this section, adopting the name of "the _____ county board of agriculture" (inserting in each case the name of the proper county), and filing with the secretary of the state board of agriculture, and also with the clerk of such county, a certificate of such organization ; the certificate filed in every such case shall state the names of the respective organizations uniting in the organization of the county board, the number of bona fide members belonging to each, and that the assent of such organizations, respectively, to the formation of such county board was given by a vote of at least two-thirds of the bona fide members present and voting at a meeting called for the express purpose of acting upon said question, after such notice to members as, by the rules of such organizations, is or may be required to be given in similar cases ; *provided, however, that if such organizations shall neglect or refuse to organize a county board, as herein provided, on or before the first day of December, one thousand eight hundred and eighty-two, then a county board may be organized in the manner herein provided for counties having no agricultural organization, or in such other manner as the state board of agriculture may authorize and direct.*

PROVISO.

What certificate to be filed shall state.

6. *And be it enacted*, That every certificate filed, as hereinbefore provided, shall truly and correctly state : (1) the name of the county board filing the same ; (2) the date of its organization under this act ; (3) the names of its officers and directors ; (4) the number of bona fide members in each organization represented in the county board at the date of organizing said board, and the names of such organizations.

What shall constitute a prior right to representation in state board.

7. *And be it enacted*, That in any county in which there may be at the same time a county board of agriculture and any other agricultural organization, such board shall have the prior right to representation in the state board, unless, for good cause shown, the said state board, or its executive committee, shall otherwise order.

Duties of secretary state board of agriculture.

8. *And be it enacted*, That it shall be the duty of the secretary of the state board of agriculture, at all times to

keep a correct list of the members of said board, with the date of their respective elections or appointments, and the time at which their several terms of service will expire; and to furnish to the proper organizations or officers reasonable notice of new elections or appointments to be made.

9. *And be it enacted*, That it shall be the duty of each county board of agriculture, on or before the first day of December in each year, to make to the secretary of the state board of agriculture a full report of the transactions of such board during the year next preceding, with as complete a statement as practicable, of the condition, progress and results of agricultural and horticultural industries in such counties respectively, together with reports on such special subjects of inquiry as may from time to time present themselves to such county boards, or be submitted by the state board of agriculture or the executive committee thereof; and it shall be the duty of the several representatives of county boards in the said state board, to make a full report to their respective county boards of the proceedings of such meetings of the state board as they may from time to time attend.

County boards to make annual statement to secretary of state board.

10. *And be it enacted*, That the state board of agriculture, or its executive committee, shall have power to make all necessary and proper by-laws for carrying into execution the provisions of this act, and to adopt suitable rules and regulations, not inconsistent herewith, for the organization and representation of county boards of agriculture, as herein provided for.

State board empowered to make and adopt by-laws, rules, &c.

11. *And be it enacted*, That the secretary of the state board of agriculture, in consideration of the additional duties imposed upon him by this act, shall be entitled to receive, in full compensation for his services under this act, and the act to which this is a supplement, a salary at the rate of five hundred dollars per annum, said sum to include all expenses of office, rent and clerk hire, and to be paid out of the treasury of the state in the manner provided by the act to which this is a supplement.

Compensation of secretary of state board and by whom paid.

12. *And be it enacted*, That all acts and parts of acts inconsistent herewith, so far as the same may be inconsistent, be and are hereby repealed, and that this act shall take effect immediately.

Approved March 18, 1882.

CHAPTER CXIII.

An Act to authorize the erection of school houses in the cities of this state.

Cities authorized to purchase lands to erect school houses.

PROVISO.

Loans to be authorized by ordinance.

Amount of bonds heretofore issued for purchase of lands and erecting of school houses included within the amount authorized by this act

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any city in this state, from time to time, to purchase lands for the purpose of erecting school houses thereon, and to raise the money required for such purpose by loan on the credit of such city; *provided*, that the total amount of bonds outstanding and unpaid, issued for such purpose, shall not exceed at any one time the sum of fifty thousand dollars; *and further*, that said bonds shall not bear more than the legal rate of interest, and shall not be sold at less than par value.

2. *And be it enacted*, That all such loans shall be authorized by an ordinance of the common council or board of aldermen of such city, which ordinance shall distinctly specify and provide the ways and means, exclusive of loans, to pay the principal of said loans and the interest on the same annually, and also the time within which the said bonds shall be paid, which ordinance shall be irrevocable until such debt be paid.

3. *And be it enacted*, That when, in any city of this state, loans have heretofore been made for the purpose of purchasing lands and erecting school houses thereon, and the bonds issued for such purpose are still outstanding and unpaid, the amount of the bonds so issued shall be included within the amount authorized to be issued by this act, and nothing in this act shall be taken or construed as authorizing the issuing of bonds to a greater amount, at any one time, than the sum of fifty thousand dollars, for the purposes aforesaid.

Approved March 22, 1882.

CHAPTER CXIV.

A Supplement to an act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary, and the orphans' court and surrogates" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one hundred and fifty-nine of the above entitled act to which this is a supplement, be amended so as to read as follows: Section amended.

159. *And be it enacted*, That all examinations to be taken and made use of at the hearing of any cause in the orphans' court of any county, may be taken and reduced to writing before the surrogate of such county, unless said surrogate is so engaged on examinations already referred to him as to make it impracticable for him to attend to the same, in which case such examination may be referred as heretofore; which examinations shall be taken on ten days' notice of the time and place of taking the same, given by the party or his attorney to the opposite party or his attorney; and either of the parties may, in person, or by his attorney, be present and examine and cross-examine such witnesses; and the examination so taken, shall be of the like force and effect as if taken in the orphans' court before the judges thereof, and shall be filed with the clerk of the said court and read in evidence upon the hearing of the cause, saving all just exceptions. Examinations in orphans' court may be taken before surrogate.

2. *And be it enacted*, That this act shall take effect immediately. Ten days' notice to be given

Approved March 22, 1882. Examination taken to be filed.

CHAPTER CXV.

An Act to fix the minimum amount of salary of the law or president judges of the court of common pleas in the several counties of this state.

Annual salary of
law or president
judge.

Act to whom to
apply.

Repealer.

Proviso.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That in all counties in this state having a law or president judge of the court of common pleas, such judge shall receive an annual salary of at least fifteen hundred dollars, to be paid to him in equal monthly installments.

2. *And be it enacted*, That this act shall only apply to such judges whose term of office shall hereafter commence, or to those now in office whose term does not expire during the present year, who may file their assent in writing, under their hand, to the provisions of this act, in the office of the clerk of the county of which he is such judge.

3. *And be it enacted*, That so much of all acts or parts of acts as relate to the amount of salary of the law or president judges of the court of common pleas in the several counties of this state, whether general, special or local, that come in conflict with the provisions of this act, be and the same are hereby repealed; *provided, however*, that nothing in this act contained shall in anywise be construed or held as reducing the salary of any of the law or president judges of the court of common pleas in any of the counties of this state.

4. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 22, 1882.

CHAPTER CXVI.

An Act to provide for the payment for certain badges ordered for the New Jersey state rifle team by the inspector general.

WHEREAS, The inspector general of the national guard of the state of New Jersey did, during the year eighteen hundred and eighty, order from the firm of Jabez W. Hayes and company, manufacturing jewelers of the city of Newark, New Jersey, a gold badge for each of the sixteen members of the military team that represented this state at the meeting of the national rifle association which took place at Creedmoor during the autumn of eighteen hundred and eighty; *and whereas*, the said firm of Jabez W. Hayes and company did make and deliver to the proper military authorities of this state, in pursuance of such order, sixteen gold badges, at a cost of one hundred and twenty dollars, which said badges were accepted by said authorities and presented by them to the members of said state team; *and whereas*, the bill of said firm of Jabez W. Hayes and company, for said badges, has been presented for payment to the proper state authorities, having first been certified as correct by the inspector general and approved by the governor, but has not been paid for the reason that there is no law authorizing its payment out of the state treasury; now, therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred and twenty dollars be and the same is hereby appropriated for the purpose of paying the bill of said firm of Jabez W. Hayes and company for the making and delivery of said sixteen badges; and the comptroller is hereby authorized to draw his warrant upon the treasury for the amount of said bill on the presentation of a proper voucher. Amount appropriated.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1882.

CHAPTER CXVII.

A Further Supplement to the act entitled "An act respecting executions" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section amended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That section twenty-five of the act to which this is a supplement, be and the same is hereby amended to read as follows: Witnesses may be required to appear and testify concerning said matters, by either party, by process of subpoena ad testificandum, issued out of the court wherein such judgment shall be recovered or docketed, and the defendant or defendants to any judgment shall be entitled to be represented by counsel at any examination under this act, and cross-examine any witnesses sworn and examined, and the judge or commissioner may adjourn the examination from time to time, at the instance of either party as may be needful.

Witness may be required to appear and testify by process of subpoena, &c.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 22, 1882.

CHAPTER CXVIII.

An Act to protect the navigable waters of the Arthur Kill, Kill von Kull, and Staten Island sounds, Newark bay and tributaries, Raritan bay and tributaries, and of New York bay and harbor, and Hudson river, over which the state of New Jersey may have jurisdiction.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be unlawful for any person or persons, to throw, place, deposit, in any way or manner, or cause to be thrown, placed or deposited in any way or manner, into or upon the navigable waters of the Kill von Kull, Arthur Kill, or Staten Island sounds, Newark bay or tributaries, Raritan bay or tributaries, New York bay and harbor, or the Hudson river, within the jurisdiction of the state of New Jersey, or over which this state may have jurisdiction, any dredgings, mud, ashes, cinders, shells, refuse, or any other solid material of any kind or description whatever, unless duly authorized so to do under the laws of this state or of the United States; *provided*, that this section shall not apply to or affect the right any person has or may have, to fish, by putting in poles or otherwise, to plant shell-fish, and fix and preserve the boundaries to any land he may be entitled to use for such purpose, or to interfere with the emptying of any sewage into the same by any city.

Unlawful to place, deposit or throw refuse, &c., in certain navigable waters, &c., in this state.

Proviso.

2. *And be it enacted*, That any person or persons violating any of the provisions of the first section of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, in any county bordering on any of the said waters, within which such violation may have occurred, shall, for the first offence, be punished by a fine not exceeding one hundred dollars, and for any succeeding offence, by a fine not exceeding two hundred dollars, and imprisonment in

Penalty for violating this act.

the county jail for a term not exceeding six months ; said fines to be in addition to the costs of prosecution.

3. *And be it enacted*, That if any boat or vessel shall be found within the jurisdiction of this state from which any person or persons are violating any of the provisions of section one of this act, it shall be lawful for the board of commissioners of pilotage appointed under the provisions of section one of the act entitled, "An act to establish and regulate pilots for the ports of Jersey City, Newark and Perth Amboy, by the way of Sandy Hook," approved April seventeenth, one thousand eight hundred and forty-six, or any one of said commissioners to seize, or cause to be seized, the said boat or vessel, and take the same, or cause the same to be taken, to the nearest of said ports,

Commissioners of pilotage may seize any boat or vessel from which persons are found violating this act.

there to securely keep or be kept until the owner or owners shall deposit with the said commissioners the sum of two hundred dollars, or give security satisfactory to the said commissioners, for the payment of any fine and costs which may be adjudged against the person or persons committing such violations of section one.

Owner or owners to deposit certain amount of money or give security.

4. *And be it enacted*, That the board of commissioners of pilotage named in the last preceding section, are empowered, and it shall be their duty, to prosecute all violations of this act.

Board of commissioners empowered to prosecute all violations.

5. *And be it enacted*, That all fines collected under this act shall constitute a fund in the hands of said commissioners of pilotage, to pay the necessary expenses of carrying the same into effect.

Fines collected to constitute a fund.

6. *And be it enacted*, That nothing in this act contained shall be construed to interfere with the powers, rights, duties and privileges of the board of riparian commissioners of this state.

Act how construed.

7. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 22, 1882.

CHAPTER CXIX.

An Act to enable any city board having control of hospitals to provide for paying certain expenses over and above the appropriations for taking care of small-pox patients and measures to prevent the spread of that disease.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any board having control of any city hospital shall have already incurred or shall during the present fiscal year incur expenses in excess of regular appropriations in taking care of small-pox patients or in taking measures to prevent the spread of that disease, the board having control of the finances of such city shall have power to borrow and give the said board over and above said appropriations not exceeding the sum of twenty-five hundred dollars per annum for such purpose and to place the same in the succeeding tax levy.

City board authorized to provide for paying expenses over and above appropriations, &c.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 22, 1882.

CHAPTER CXX.

A Supplement to the act entitled "An act to authorize the erection of engine houses in cities of this state,"

approved March second, one thousand eight hundred and eighty-one.

Buildings may be erected on lands given or dedicated.

City authorities authorized to accept lands, &c.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the buildings or building authorized to be erected by the act to which this is a supplement, may be erected on land given or dedicated for any such purpose; and the authorities of such cities are hereby authorized to accept any lands given, dedicated or sold to them for a nominal consideration under conditions, for such purpose.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1882.

CHAPTER CXXI.

An Act concerning elections in villages.

Elections in villages when and by whom held.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any village has been or hereafter may be set off from and composed in part of any portion of the original territory of any township in this state, which township shall retain its separate local organization as such, such village shall hold its annual election for officers upon the same day upon which said township shall hold its annual election of township officers and upon like notices, and the polls shall be open during the same hours that the polls of said township shall be open; *provided*, that nothing in this act contained shall be construed to prevent said village from holding its

election separately and distinct from said township election, and in manner and under the forms and restrictions of its present act of incorporation; *and provided further*, Proviso. that in case there shall not be sufficient time for the notice of such election required by the act between the date of its passage and such township election, the first election pursuant hereto shall be held at the time provided therefor in the charter of said village.

2. *And be it enacted*, That the present trustees or members of the governing board of said village, by whatsoever name or names they or said board may be entitled or designated, shall hold their positions and administer the government of and represent said village as at present provided until the expiration of the term for which they were elected, and until their successors shall be elected and organized as hereinafter provided. Present trustees, &c., term of office extended.

3. *And be it enacted*, That the said board of trustees or other governing board of any such village which may now by law consist of a president and six members, shall hereafter consist of a president and six members, which members shall be classified and hold their offices as, and have the qualifications as hereinafter prescribed. Who to consist board of trustees.

4. *And be it enacted*, That the president and members of said board of trustees or other governing board of such village shall be electors and residents of said village; that the president shall hold office for a term of two years; that the other members shall, at their first meeting after their election, divide themselves into two classes, of three each, by lot; the first class to hold their offices for the term of one year, and the second class to hold their offices for the term of two years, so that three members of said board shall be chosen at each and every annual election thereafter. President and members of board of trustees to be electors and residents.

5. *And be it enacted*, That the terms of office of the officers whose election is herein provided for shall commence at the expiration of the terms of office of the present board, and expire by classes respectively on the third Monday of March in each year hereafter; *provided*, Proviso. such trustees shall respectively continue to hold office until their respective successors duly chosen shall have duly qualified; *and provided, further*, Proviso. that vacancies shall be filled in the manner provided by existing law.

6. *And be it enacted*, That the first meeting for organiza-

Time of holding
first meeting for
organization, &c.,
and future annual
meetings.

tion and classification as herein provided for shall be held on the third Monday of April of the present year, and all future annual meetings for organization shall be held on the third Monday of March in each year hereafter.

Repealer.

7. *And be it enacted*, That all acts inconsistent with the provisions hereof be and the same are hereby repealed, in so far as they may be inconsistent with the provisions of this act; *provided, however*, that this act shall not apply to any incorporated village governed by a board known and designated as commissioners.

Proviso.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1882.

CHAPTER CXXII.

A Supplement to the act entitled "An act respecting the court of chancery."

Services of stenographer to be paid by state treasurer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, the stenographer employed to report the proceedings in the vice chancellors' courts, shall be paid for his services the same and no more, as the respective stenographers employed in the circuit courts of this state, and that the sum due to such stenographer shall be paid quarterly on the certificate of the vice chancellor, by the state treasurer, out of the fees received by him from the court of chancery.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1882.

CHAPTER CXXIII.

An Act providing for the record and report of jail statistics.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the keeper of each county jail in this state shall keep in a book, which shall be furnished by such county, and remain in such jail as property of the same, a record of all prisoners delivered to his charge, which said record shall contain the date of entrance, name, offence, term of sentence, fine, age, sex, nativity, color, trade or occupation, degree of education and religious instruction, number of previous convictions, whether married or single, temperate or intemperate, and whether parents be living or dead, how committed and by whom, the date of discharge and such other items of information in relation to such prisoners and their offences, as the chief of the bureau of the statistics of labor and industries may require.

Record of prisoners to be kept by keepers.

2. *And be it enacted*, That on or before the fifth day of every month, a certified copy of such record kept during the previous month, or so much thereof as may be required, shall be transmitted by the keeper of such jail to the chief of the bureau of statistics of labor and industries; and that a statement showing the total expense incurred in keeping the prisoners shall accompany such report, which report shall be made in the form prescribed by the chief of the bureau of statistics of labor and industries.

Certified copy of record and statement of expenses incurred to be transmitted to bureau of statistics of labor and industries.

3. *And be it enacted*, That every neglect of such keeper to comply with the requirements of this act, he shall forfeit the sum of fifty dollars, to be recovered by an action of debt in the name of the people of this state.

Penalty for neglect of keepers to comply with this act.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1882.

CHAPTER CXXIV.

A Supplement to an act entitled "An act requiring the refunding of moneys overpaid in certain cases," approved March third, one thousand eight hundred and eighty-one.

Section amended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement be amended to read as follows :

Overpayment of interest on assessments for street or sewer improvements how refunded. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any overpayment has been made by any person in any city of this state, of interest on any assessment for sewers or other street improvements, through inadvertence or misconception of the period from which the interest lawfully accrued, or the rate of interest by law permitted, it shall be the duty of common council or other legislative body, by resolution, to direct the treasurer of any such city to refund on demand the amount of such overpayment, with lawful interest thereon, said amount and interest to be ascertained and fixed by the officer, or incumbent successor in office of the officer to whom such overpayment was paid ; *provided*, that where any amount is adjudged to be due to any person, by virtue of such overpayment, who has any assessments or taxes unpaid, the amount due such person shall be credited to the account of such unpaid taxes or assessments, and the balance, if any, paid over as herein provided.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1882.

CHAPTER CXXV.

An Act to authorize the construction and repairing of sidewalks in townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee or committees of any township or townships within this state, may at any time or times, set off and divide their said township or townships into districts, to be designated by numbers, and may alter the same from time to time, and shall, by resolution, to be entered at length upon their minutes, define and declare the limits, boundaries and numbers of such districts, and the same being so defined and declared, shall be deemed and taken as sidewalk districts for the purposes of this act.

Township committees authorized to set off and divide townships into districts.

2. *And be it enacted*, That whenever requested, in writing, by ten freeholders and legal voters of any of said districts to call a meeting for the purposes of this act, the said committee of any such township, may if they shall deem it advisable so to do, by resolution, direct or cause to be issued, a call for a meeting of the legal voters of such district signed by the township clerk, which shall be posted in five of the most public places in said district, for at least ten days, and not more than twenty days, before such meeting shall be held stating the time, and place and object of the meeting.

Meeting of legal voters of districts how called.

3. *And be it enacted*, That at such meeting, the chairman of the township committee shall preside if present, or in the event of his absence or omission to preside, a majority of the legal voters present, shall choose some other member of such committee if any be present, or if not, then one of their own number to so preside, and shall also choose a secretary of such meeting; the legal voters so convened or a majority of them, shall be authorized and empowered to vote to authorize the expenditure in

Who to preside at meetings.

Legal voters authorized to vote the expenditure of money for constructing or repairing sidewalks.

the manner hereinafter provided, of any such sum or sums of money in said district as they may determine, for the purpose of constructing or repairing sidewalks therein, and the chairman and secretary of such meeting, shall under their hands, in writing, notify the township committee of the result of such meeting, and the same shall thereupon be entered upon the minutes of said township committee.

Township committee to decide and determine what sidewalk or walks to be constructed or repaired.

4. *And be it enacted*, That upon such notification, the said committee shall by resolution, determine and decide what sidewalk or walks, or what part or parts thereof, in said district shall be so constructed or repaired, and the manner in which the same shall be so constructed or repaired, and thereupon shall expend the money so authorized to be expended or such part thereof, as may be necessary in such manner as to said committee may seem to be most advantageous to the said district.

Cost of construction and repair how assessed.

5. *And be it enacted*, That when such township committee shall have caused such sidewalk to be constructed or repaired, the cost of construction or repair, together with the fees, cost and interest shall be assessed by them by a resolution to be entered in the minutes of their proceedings, upon the owner or owners of the land in front of which such sidewalk shall have been constructed or repaired; *provided, however*, that no assessment shall be made upon the owner or owners of any lands in front of which any sidewalk or walks shall have been previously constructed or repaired in the manner required by the said committee and shall then be in good order.

Proviso.

Basis of assessment.

6. *And be it enacted*, That the basis of assessment shall in all cases be the number of lineal feet front owned by each person in front of whose lands the said walk shall have been constructed or repaired, and that any and all assessments for the cost of construction or repair of such walk, together with all fees, cost and interest shall be and remain a lien or liens upon the lands and real estate in front of which such sidewalk shall be constructed or repaired until said assessment shall be fully paid and discharged, notwithstanding any device, descent, alienation or mortgage or other incumbrance thereof, and notwithstanding any mistake in the name or names of any owner of such lands or real estate, or omission to name any such owner or owners, and that any assessment in

Assessments to remain a lien on lands.

which such mistake or omission occurs shall be as valid as though such mistake or omission had not occurred, and the said lien or liens may, in the discretion of said committee, be enforced by the sale and conveyance of said lands and real estate in the manner prescribed by law for the collection of other taxes.

7. *And be it enacted*, That the township committee shall deliver to the township collector a copy of said assessment when made, and the sums thereby assessed shall thereafter be collected in the same manner and by the same officers as other taxes are collected in said township, and that in case any such assessment for the construction or repair of such sidewalk, together with all or any part of the costs, fees and interest thereon, shall remain unpaid at the expiration of ninety days from and after the service of the legal notice as required for the collection of other taxes in said township, it shall be lawful for the said township committee, in their discretion and by resolution, to direct that such assessment shall be collected, with interest, cost and fees, as aforesaid; and it shall be the duty of the township committee and the collector of taxes in said township to proceed immediately in the collection thereof by enforcing said lien by the sale and conveyance of said land and real estate in the manner and to like effect as prescribed in a certain act entitled, "A further act concerning taxes, making the same a first lien on real estate and to authorize sales for the payment of the same," approved March fourteenth, eighteen hundred and seventy-nine, and any supplement or supplements thereto.

8. *And be it enacted*, That the said committee are hereby empowered in such case to borrow upon the credit of the township and upon promissory note or otherwise sufficient money to construct or repair said sidewalk or walks in anticipation of the collection of such taxes.

9. *And be it enacted*, That this act shall be taken and deemed as conferring a right and authority upon the inhabitants of the several townships for the construction or repair of sidewalks in addition to such authority as may now by law be vested in them.

10. *And be it enacted*, That nothing in this act contained shall give to any township committee control of or supervision over the sidewalks in any incorporated town,

Liens may be enforced by sale of lands.

Township committee to deliver copy of assessment to collector.

Collector to collect assessments.

Committee and collector of taxes to enforce collection by sale of lands, &c.

Committee empowered to borrow money in anticipation of collection of assessments.

Act how construed.

Act not to give township committee control of or supervision over sidewalks of incorporated towns, boroughs, &c. borough or city within the boundaries of any township, or take the control of the sidewalks within any such town, borough or city from the municipal authorities thereof, where by law such control is now vested in the authorities of such municipality.

11. *And be it enacted*, That this act shall be deemed a public act and take effect immediately.

Approved March 23, 1882.

CHAPTER CXXVI.

An Act in relation to the payment of the excess of the individual assessments for local improvements over benefits received in cities of the first class.

Preamble.

WHEREAS, after long litigation, it has been held by the court of last resort in this state, that where owners of real estate within the corporate limits of the cities of this state have paid for local improvements more than the special benefits received by such real estate from such improvements, and the amount of such excess has been ascertained by commissioners appointed for that purpose, that said city shall repay to such owner such excess; *and whereas*, it is just that technical objections as to the power of commissioners to re-assess paid assessments should not prevent owners so re-assessed from recovering such excess; now therefore,

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where assessments for benefits for local improvements in any of the cities of the first class of this state have within ten years last past been set aside as to the portion of the assessment unpaid by commissioners appointed under any act for that purpose, and such commissioners have actually re-assessed that portion of the assessment which had theretofore been paid at the amounts which it was equitable and just that

Cities authorized to pay difference between amount of individual assessment paid and re assessment for benefits for improvements.

said last mentioned portion should have been assessed, then the city to whom the payment of the said individual assessment was made, shall repay to those who have paid said assessment before the said re-assessment, the difference between the amount of the individual assessment so paid by them and the amount of the individual re-assessment ; *provided*, such persons who so paid said assessment are still the owners of the real estate upon which the assessment was originally so unjustly assessed. Proviso.

2. *And be it enacted*, That it shall be lawful for such city to pay the same by issuing to the said person or persons so entitled to said re-payment, certificates of indebtedness, containing a condition that said certificates will only be received in payment of any assessment assessed on any lands within the corporate limits of said city prior to the first day of January, A. D. eighteen hundred and seventy-nine. Cities may issue to persons entitled to repayment certificates of indebtedness.

3. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and they are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1882.

CHAPTER CXXVII.

An Act for the relief of insolvent corporations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any case where any company, organized under any general or special act of the legislature of this state, for manufacturing purposes, has heretofore become, or is, or may become insolvent, it shall be lawful for the directors of the said company, in the name of the company, the consent of two-thirds of the Directors authorized to issue bonds or additional stock by consent of two-thirds of stockholders for payment of claims.

stockholders in interest or their legal representatives having been first obtained, to issue bonds, or additional stock, or both, in full or part payment or settlement of any or all claims against such company, with the consent of the claimants, and subject to the approval of the chancellor in case a receiver has been appointed; in any case where there has been no election for directors after the insolvency became known to the stockholders, or after a receiver has been appointed, it shall be necessary to obtain the assent of two-thirds of the stockholders to the issue of such bonds or stock, and in all cases where stock is issued the total amount thereof shall not exceed the amount of the claims against the company for which stock is taken, and the amount so issued, together with the capital stock already authorized, although the same may not have been fully issued, shall be taken and considered to be the limit of the capital stock of the company, and a statement shall be filed with the secretary of state, showing the whole amount of capital stock so authorized and issued; if bonds are issued they may be made convertible into stock at the option of the holders if the directors deem it for the best interests of the company, and in that case the amount of such bonds must be included in the statement filed with the secretary of state, showing the amount of capital stock authorized, and any stock issued under the provisions of this act may be issued in whole or in part as preferred stock, bearing interest not exceeding six per centum per annum, with or without further participation in the earnings of the company; if a receiver has been appointed it shall be lawful for the chancellor to discharge and relieve him from further service on being shown that the directors have made provision for all of the claims against the company, according to this act or otherwise, excepting only such claims as were previously secured by mortgage, and to permit said company by its directors and officers to resume and conduct its business and exercise all the franchises existing at the time of the insolvency.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1882.

Stock to be issued not to exceed amount of claims.

Statement to be filed.

Bonds issued may be converted into stock.

Amount of bonds issued to be included in statement.

When chancellor may discharge and relieve receiver.

CHAPTER CXXVIII.

An Act in relation to past due taxes and assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of finance and taxation, or other board having control of the financial affairs of any city in this state, or the common council or other legislative body of any city having no such board, may make such revision, alteration, adjustment and settlement of past due taxes and assessments, and any and all interest and penalties thereon, as such board, common council or legislative body may or shall deem to be for the best interest of such city ; *provided*, that the provisions of this act shall not in any wise affect or impair the interest or lien of any purchaser other than such city, acquired under any sale made for past due taxes or assessments, or apply to taxes or assessments made, levied or assessed subsequent to the first day of January, one thousand eight hundred and eighty-one.

Boards may revise, alter, adjust and settle past due taxes and assessments

Proviso.

2. *And be it enacted*, That all acts, general or special, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately,

Repealer

Approved March 23, 1882.

CHAPTER CXXX.

An Act relative to public printing.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the laws enacted at each session of the legislature shall hereafter be printed in the same general style in which the volume of laws was printed in the year one thousand eight hundred and seventy-eight, excepting that the laws shall be collated and indexed under the two heads of general public acts, special public and private acts ; also the legislative documents shall be hereafter printed in the same style in which the said work was done in the year one thousand eight hundred and seventy-eight, omitting the index ; the journals of the senate, and minutes of the joint meetings and executive sessions and the minutes of the house of assembly shall be printed in the same compact and workmanlike manner in which the said work was done in the year one thousand eight hundred and seventy-two ; also, that the public bills ordered by either branch of the legislature shall be printed on good writing paper, with pica type, each page to contain thirty-one lines ; and the prices to be paid for said printing shall be as follows : for printing six thousand copies of the session laws, the sum of forty-two dollars per sheet of sixteen pages ; for printing one thousand copies of the journals of the senate, with the minutes of the joint meetings, and one thousand copies of the minutes of the house of assembly, the sum of twenty-two dollars per sheet of sixteen pages ; for printing one thousand copies of the legislative documents, at the rate of seventy-five cents per thousand ems for composition, and seventy-five cents per token of two hundred and fifty impressions of sixteen pages for presswork ; for printing two hundred copies of the public bills ordered by either branch of the legislature, at the rate of five dollars per sheet of four foolscap pages ; and in cases

Printing, how executed.

Senate journals, minutes of assembly, &c.

Public bills.

where extra copies shall be ordered and delivered to either house, they shall be paid for at the rate of two dollars per sheet of four foolscap pages for each two hundred extra copies; and for printing the pamphlets and other papers ordered by legislature, at the rate of seventy-five cents per thousand ems for composition, and seventy-five per cents per token of two hundred and fifty impressions of sixteen pages for press-work; *provided*, that in all cases where rule and figure work is required, the price for composition shall be double the rates above stated, and where matter requires two justifications without rules, one price and a half shall be paid; *and provided*, *further*, that seventy-five cents extra per page shall be paid for printing all indices and tables of contents set in bourgeois type in the session laws, journals of the senate and minutes of the house of assembly.

Compensation to be paid.

Proviso.

Proviso.

2. *And be it enacted*, That the above prices shall include all the expenses incident to the printing and delivery to the state treasurer of all documents ordered, except folding and stitching (which shall be charged at the current prices for such work), and the paper, which shall be of good quality and of the following description: for the documents, journals and minutes, white calendered printing paper, twenty-four by thirty-eight inches in size, weighing not less than fifty pounds to the ream of four hundred and eighty sheets; for the laws, the same size as for the journals, and to weigh not less than fifty pounds to the ream of four hundred and eighty sheets; for the bills, to be on good flat cap paper, weighing fourteen pounds to the ream; the price to be allowed for such paper shall be at the lowest rate per pound at which the same is sold per pound by paper dealers in New York or Philadelphia on the first day of April, and satisfactory evidence of the price of such paper within the said period shall be submitted to the comptroller before the allowance by him of any bill for paper on which any public printing shall be executed.

Work to be completed—how done.

Paper.

Price of.

3. *And be it enacted*, That all messages, pamphlets, reports or other documents which are deemed of sufficient public importance to be printed and bound for preservation, shall hereafter be embraced in two volumes under title of legislative documents, and no document or report shall be embraced in said volume unless so ordered by

Joint committee on printing shall order what documents or reports shall be printed in the volume of documents.

the joint committee on printing ; when said joint committee shall order any document to be printed in the said volumes, there shall be one thousand copies thereof printed, which documents shall be numbered in the order in which they are ordered to be printed, and the governor's annual and other messages shall be classed as document number one in said volume, and shall be preceded by a list of the documents contained in such volume, in the order in which they are arranged ; when any document shall be ordered to be printed more than once (at periods more than ten days apart) the printer thereof shall be entitled to charge composition as above provided for each time the document shall be so printed, and in no other case shall more than one composition be paid for the printing of such reports or documents.

Officers to furnish copies.

4. *And be it enacted*, That in conformity with the act approved April sixteenth, one thousand eight hundred and forty-six, it shall be the duty of the clerk of the general assembly and the secretary of the senate, to deliver copies completed of the journals of their respective houses to the persons employed to print the same, within thirty days after the close of the session of the legislature, and in the event of said clerk and secretary failing to deliver such copies, as provided for in this section, they shall forfeit to the treasurer, for the use of the state, one hundred dollars of their salary ; and the persons designated to print the said minutes and journals shall finish their work and deliver it to the state treasurer within three months of the time of receiving the copy therefor, under a penalty of three hundred dollars ; and the state treasurer shall make distribution according to law of the said minutes and journals, within one month after he shall receive the same from the person or persons designated to print the same.

Duties of state treasurer.

Indices and compensation therefor.

5. *And be it enacted*, That the indices to the pamphlet laws, to the journal of the senate and to the minutes of the house of assembly, shall hereafter be made out by the person or persons, respectively, who may be empowered to execute said printing, and the sum of seventy-five dollars each shall be allowed said printers for compiling said indices ; said indices to the pamphlet laws shall be printed in solid bourgeois type, and there shall be but two indices to the pamphlet laws, one following the gene-

ral public laws, and one following the special public and private laws, the last-named to be a general index to the whole volume, and said indices shall be made out alphabetically in the style of the indices of the pamphlet laws for the year one thousand eight hundred and seventy-six; the indices to senate journal and to the assembly minutes shall be set solid, in bourgeois type, and shall be made out and printed in the same style as said indices in the year one thousand eight hundred and seventy-two.

6. *And be it enacted*, That William S. Sharp be employed to print the reports of the bureau of labor statistics, and banking and saving institutions. Printer of certain reports.

7. *And be it enacted*, That John L. Murphy be employed to print the bills of the senate and such other current and document printing as may be ordered by the senate, and the annual reports of state officers to the legislature, except when otherwise disposed of by this bill. Current printer.

8. *And be it enacted*, That Naar, Day & Naar be employed to print the bills of the general assembly, and such other document printing as may be ordered by the general assembly. Assembly bills, &c.

9. *And be it enacted*, That F. F. Patterson, of Camden, be employed to print sixty-five hundred copies of the report of the state geologist. Printer of state geologist's report.

10. *And be it enacted*, That Peter W. Rouse, of Elizabeth, be employed to print one thousand copies of the legislative documents of the current year. Documents.

11. *And be it enacted*, That Carleton M. Herrick, of Paterson, be employed to print six thousand copies of the laws enacted at the present session of the legislature, which copies shall be delivered to the state treasurer within two months after the said Carleton M. Herrick shall have received the copies thereof, and on failure thereof the said Carleton M. Herrick shall forfeit the sum of three hundred dollars, which the said treasurer is authorized to withhold and deduct from the amount due him for printing the said copies; and the treasurer shall make distribution, according to law, of the said copies of the laws within one month after he shall have received the same. Printer of volume of laws. Copy when to be delivered. Penalty.

12. *And be it enacted*, That Carleton M. Herrick, of Paterson, shall be employed to print the reports on ways and means, attorney-general and riparian commissioners. Printer of certain reports.

13. *And be it enacted*, That Lewis S. Hyer, of Rahway, be employed to print one thousand copies of the senate journal and minutes of joint meetings and executive sessions for the current year, in compact form, as per journal of one thousand eight hundred and seventy-two, and the report of the state board of agriculture.
14. *And be it enacted*, That James D. Carpenter, of Woodbury, be employed to print the reports of the state board of health and the comptroller of the treasury.
15. *And be it enacted*, That William B. Guild, of Newark, be employed to print the report of the state board of education.
16. *And be it enacted*, That Samuel L. Garrison, of Boonton, be employed to print one thousand copies of the minutes of the house of assembly for the current year, in compact form, as per minutes of one thousand eight hundred and seventy-two.
17. *And be it enacted*, That Winfield S. Snyder be employed to print the reports of the commissioners of pilotage, the adjutant-general's report, the report of the agricultural experiment station.
18. *And be it enacted*, That Moyer & Luehs, of Hoboken, be employed to print the reports of the quartermaster-general, Morristown asylum and state prison.
19. *And be it enacted*, That M. Mullone, of Jersey City, be employed to print the state treasurer's report, the normal school report, the report of railroads and canals, and the report of Rutgers scientific school.
20. *And be it enacted*, That J. H. Mattison, of Somerville, be employed to print the report of the Trenton asylum.
21. *And be it enacted*, That Theodora S. Preith, of the city of Newark, be employed to print the usual number of copies of the bureau of labor statistics and the state board of agriculture in the German language.
22. *And be it enacted*, That Charles Schmidt, of Elizabeth, be employed to print the report of the board of health in the German language.
23. *And be it enacted*, That Joseph Knorr, of Newark, be employed to print the adjutant-general's report in the German language, and such other documents as may have been heretofore printed in German by the general assembly.
24. *And be it enacted*, That Charles A. Boeger, of Pater-

Printer of senate
journals, &c.

Printer of certain
reports.

Printer of state
board of educa-
tion.

Printer of min-
utes of assembly.

Printer of certain
reports.

Printer of certain
reports.

Printer of certain
reports.

Printer of report
of Trenton Asy-
lum.

Reports in Ger-
man.

Report in Ger-
man.

Report in Ger-
man.

Report in Ger-
man.

son, be employed to print the report of the state geologist in the German language. Secretary of state to furnish copy.

25. *And be it enacted*, That it shall be the duty of the secretary of state to deliver or cause to be delivered to the person or persons who shall be employed to print the copies of the laws, a copy of every law passed at this session of the legislature, within thirty days after the passage of each law, and on failure thereof he shall be compelled to pay to the person or persons employed to print the copies of the laws, any sum which he or they may have forfeited by reason of such default. Register.

26. *And be it enacted*, That all acts or parts of acts conflicting with the provisions of this act be and the same are hereby repealed.

27. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1882.

CHAPTER CXXXI.

An Act to enable owners of real estate to redeem their property from tax and assessment sales with greater facility, when the liens are held by non-residents.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That whenever the owner of any lands, tenements and hereditaments lying and being in this state, which shall have been heretofore, or which shall hereafter be sold for non-payment of taxes, or assessments under the laws and ordinances of any city, borough, town or township of this state, is desirous of redeeming the same, but is prevented from doing so by the absence of the tax sale or assessment sale purchaser from this state, such owner shall mail a written notice of his readiness and desire to redeem said lands, tenements, and hereditaments from the lien of said tax or assessment sale to said tax sale or assessment sale purchaser, prepaid, directed to him at the post office nearest his residence or the post office at which he usually receives his letters, How owners of lands and real estate may redeem the same from tax and assessment sales.

unless such residence or post office be unknown and cannot be ascertained upon making diligent inquiry therefor, and at the expiration of two weeks from the mailing of said notice, in case said tax sale or assessment sale purchaser shall not have appeared and accepted the redemption money, the owner of the said lands, tenements and hereditaments shall make an affidavit that such tax sale or assessment sale purchaser is out of the state or cannot, upon due inquiry, be found therein, and that said owner has mailed the notice of redemption to said purchaser in the manner in this act prescribed, or that said owner, after diligent inquiry, cannot find out the residence and post office address of said purchaser, and that the said purchaser has failed to appear and receive the redemption money, and said owner shall file said affidavit with the treasurer of said city, borough, town or township, and thereupon it shall be lawful for the said treasurer to receive the said redemption money with interest and penalties then due, and to take all further proceedings in reference to redemption of said lands, tenements and hereditaments that the said purchaser himself might or could do if he were present.

When redemption money paid, lands, &c., freed and discharged from lien and incumbrances.

2. *And be it enacted*, That immediately after the payment of said redemption money, interest and penalties then due to the treasurer of said city, borough, town or township all further interest and penalties on said taxes or assessments shall cease forthwith, and the said lands, tenements and hereditaments shall be entirely free and discharged from the lien and incumbrance thereof.

Treasurer to retain one per centum as compensation.

3. *And be it enacted*, That the treasurer of any city, borough, town or township, into whose hands such redemption money shall be paid, at any time in the manner prescribed by this act, shall have the right to retain one per cent. of said money as compensation for his trouble in taking care of said money for the owner thereof.

Repealer.

4. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1882.

CHAPTER CXXXII.

An Act concerning turnpikes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any turnpike road, or any part thereof, in any county of this state, the title to and right of possession of which has been or shall be acquired by, or has or shall become vested in any board of chosen freeholders of any county in this state for public use, shall be graded, regulated, worked, repaired, maintained and kept up at the cost and expense of said county, and as the board of freeholders of said county shall order and direct, and the sum necessary therefor shall be fixed or appropriated by said board of chosen freeholders in the same manner as amounts to pay county expenses are now fixed or appropriated in said county, and it shall be lawful for said board of freeholders to raise said amount by taxation in the same manner as other county taxes are raised; *provided, however*, that in any county in this state where the custody, rule, keeping and charge of the jail of such county, and of the prisoners in such jail, has been or shall be assumed by the board of chosen freeholders of such county, it shall be lawful for such board to grade, regulate, work, repair, maintain and keep up such turnpike road, and to put and keep at work thereon such prisoners detained in the county jail as may be lawfully required to work at hard labor, which prisoners may be taken from and returned to the custody of the warden or keeper of the county jail each day, under such rules and regulations as said board may prescribe; and an escape from the custody of the person in charge of such prisoners shall be deemed an escape from jail, and said board may employ such agents and provide such implements as may be needed for the purpose; *provided*, the wages of such agents be paid by the township or city where the work is done.

Turnpike roads titles of which are vested in board of freeholders to be graded, &c., at cost and expense of county.

Proviso.

Proviso.

Repealer

2. *And be it enacted*, That the supplements to an act entitled "An act concerning bridges and turnpikes," approved March twelfth, eighteen hundred and seventy-eight, which supplements were approved March fourteenth eighteen hundred and seventy-nine, March fourth, eighteen hundred and eighty, and March twenty-fifth, eighteen hundred and eighty-one, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 24, 1882.

CHAPTER CXXXIII.

A Supplement to the act entitled "An act regulating proceedings in criminal cases" [Revision], approved March 27th, 1874.

Entry of nolle
prosequi as to one
or more defend-
ants not to operate
as an acquittal or
discharge to other
defendants.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That neither the entry of a *nolle prosequi* as to one or more defendants, who now are or hereafter may be jointly indicted with another or others for conspiracy, nor the discharge of such defendant or defendants, shall operate as a *nolle prosequi*, acquittal or discharge of such other defendant or defendants, but such indictment may be proceeded on as against him or them to trial and conviction; and this, whether the indictment charge his or their conspiracy as only with the defendant or defendants discharged, or as to whom a *nolle prosequi* may be entered as aforesaid, or otherwise.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1882.

CHAPTER CXXXIV.

An Act authorizing the township committees in any township in this state, not containing an incorporated city or borough wholly or in part within its limits, to pave or macadamize any street or streets, road or roads, or part or parts thereof, within said township, in pursuance of a resolution or resolutions of a town meeting ordering the same, and likewise empowering them to assess the expenses of such paving or macadamizing, or a proportion thereof, upon the owner or owners of the premises adjacent to said street or streets, road or roads, or part or parts thereof, in accordance with the benefits conferred upon said premises respectively; and also, making the amount which shall be assessed against the owner or owners of each of said premises, respectively, a lien upon the same.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That whenever fifteen or more freeholders, residents of any township in this state, shall give notice in writing, signed by them, and published in at least one newspaper published in said township, for two weeks before the holding of any annual or special town meeting to be held in said township, at least once in each week (the date of which meeting shall be named in said notice), that they intend to have a resolution or resolutions offered at such annual or special town meeting, providing for the paving or macadamizing of the streets or roads of said township, or some part or parts thereof; and whenever such annual or any special town meeting of any township in this state shall, after the publication of said notice in manner aforesaid, by a two-thirds vote of the citizens of said township present at

Township committee when authorized by resolution adopted at any annual or special town meeting may proceed to pave and macadamize streets or roads.

said meeting, pass a resolution or resolutions ordering the paving or macadamizing of any street or streets, road or roads, or part or parts thereof, within the bounds of said township (such street or streets, road or roads, or part or parts thereof, to be clearly designated and limited by such resolution or resolutions), and shall specifically appropriate money for that purpose, the township committee of such township shall be authorized, and it shall be their duty, to proceed as follows, viz : the said township committee, immediately after the passing of such resolution or resolutions, shall make or cause to be made a survey and map or maps of the street or streets, road or roads, or part or parts thereof, to be so paved or macadamized in accordance with said resolution or resolutions ; which map or maps shall show the frontage of each of the premises adjoining said street or streets, road or roads, or part or parts thereof, and likewise the position of the outside line of the curbing laid along the same, or to be laid in accordance with the terms of this act ; the township committee shall pay for said survey and map or maps out of the money specifically appropriated for paving as aforesaid.

Map and survey of streets or roads ordered paved to be made

2. *And be it enacted*, That said township committee, after the passing of said resolution or resolutions and the making of said survey and map or maps, shall be authorized and empowered to fix the grade of said street or streets, road or roads, or part or parts thereof, from curb to curb ; and also, to fix the position of the curbing along and crossings over the same.

Committee empowered to fix grade of streets or roads.

3. *And be it enacted*, That said committee shall be authorized and empowered to decide, in all instances, what kind and quality of pavement or macadamized road-bed shall be laid in pursuance of the resolution or resolutions adopted by the town meeting aforesaid, unless said town meeting in said resolution or resolutions shall itself decide upon the kind and quality of said pavement or macadamized road-bed ; *provided, always*, that the township committee, either in following the directions of the town meeting or otherwise, shall in no instance expend an amount for the materials and labor of laying said pavement or road-bed in excess of the amount specifically appropriated for that purpose as aforesaid.

Kind and quality of pavement how determined.

Proviso.

4. *And be it enacted*, That the said township committee shall in all instances be authorized and empowered to fix upon the kind, quality and dimensions of the curbing to be laid along said street or streets, road or roads, or part or parts thereof, and to decide whether any or all curbing which may already be laid shall remain; unless the said town meeting, in said resolution or resolutions, shall itself decide upon the kind, quality and dimensions of said curbing, or decide to retain any or all of the curbing which may be already laid.

Kind, quality and dimensions of curbing how determined.

5. *And be it enacted*, That the said township committee shall have power to cause the said street or streets, road or roads, or part or parts thereof, to be paved or macadamized in accordance with the provisions of this act, and to make all contracts which shall seem advisable to them to that end; *and, further*, that all contracts made by them for said purpose, in accordance with the provisions of this act, and none others, shall be binding upon the townships of which the members of said committee are officers, notwithstanding anything to the contrary, expressed or implied, which may be embodied in said resolution or resolutions, or any other act of said township.

Committee empowered to pave or macadamize and to make contracts

6. *And be it enacted*, That the said township committee shall decide what share or shares of the expense of paving or macadamizing said street or streets, road or roads, or part or parts thereof, shall be borne by the owner of the property adjacent to said street or streets; road or roads, or part or parts thereof, or by each of the owners of said property, if there be more than one; and they shall assess said share upon said owner, if there be but one, in accordance with the benefit accruing to his property by reason of said paving or macadamizing; or they shall assess said shares upon each of said owners, if there be more than one, in accordance with the benefit conferred upon the respective property of each of said owners by reason of said paving or macadamizing; they shall give two weeks' notice in at least one newspaper published in said township, at least once in each week, of the time of making said assessment; at said time they shall hear whatever any person interested may have to say in regard to the amount of any assessment; they shall have power to adjourn

Committee to decide what share of expense shall be borne by owners of property.

Benefits to property how assessed.

Notice to be given of time of making assessment.

their proceedings from time to time until their work shall be completed.

Name of owner
and description of
property, &c.

Proviso.

Proviso.

Committee em-
powered to curb
and relay curb
and to make con-
tracts.

Assessment for
curbing how
made.

7. *And be it enacted*, That in making each of said assessments, they shall set down in writing the name of the person or persons to be assessed; also, such a description of the property on account of which said assessment shall be made as will be sufficient to identify it; they shall likewise set down the amount of the benefit in their judgment done such property, being the amount for which the owner or owners thereof shall be assessed; *provided*, that the said town meeting of said township, or any subsequent town meeting, may resolve that no property owner on the street or streets, road or roads, or part or parts thereof, to be paved or macadamized, shall pay more, in any event, than a certain proportion of the actual cost of the paving or macadamizing of said street or streets, road or roads, or part or parts thereof, before the property of said owner; in which case the action of the township committee, in making said assessment, shall be controlled by said resolution in all cases where the amount of actual benefit conferred would, in their judgment, exceed the proportion established by said resolution; *and provided, further*, that in no case shall an assessment for benefits accruing to any property owner on said street or streets, road or roads, or part or parts thereof, exceed one-half of the net expenses of paving or macadamizing said street or streets, road or roads, or part or parts thereof, before the property on account of which said assessment shall be made.

8. *And be it enacted*, That said township committee shall have power to cause the said street or streets, road or roads, or part or parts thereof, to be curbed, or to cause the curb which may already be laid, to be relaid, in accordance with the provisions of this act, and to make all contracts which shall be advisable in the discretion of said committee for said purpose; and all such contracts made in accordance with said provisions, and none others, shall be binding on the township of which the members of said committee shall be officers.

9. *And be it enacted*, That the said committee shall assess the amount of the expenses of laying or relaying the said curbing, against the same persons and in the same

manner as is hereinbefore provided in the case of paving; *provided, always*, that the whole of the amount of the expenses of laying or relaying said curbing in front of the property of said adjacent property owner, or the respective properties of said adjacent property owners, shall be assessed against said owner or owners, without any reference to the amount of benefit which shall accrue to said owner or owners by reason thereof.

10. *And be it enacted*, That at the expiration of two weeks after completing said assessments for curbing and paving as aforesaid, and declaring the same completed, by notice to that effect, inserted in at least one newspaper published in said township, the said township committee shall make copies of such assessments as shall then remain unpaid, under their hands and the seal of said township, and shall file the same, fastened together, in the office of the clerk of the county in which said township shall be situated.

11. *And be it enacted*, That the amounts assessed in accordance with this act against the owner or owners of the premises, described in said copies, shall be and remain a full, complete and paramount lien on said premises, except as hereinafter provided.

12. *And be it enacted*, That the clerk of the said county shall file said copies in his office, to be and remain a matter of public record; and further, that said clerk shall endorse thereon, and on the outside copy when the same shall be folded face in, the date of the filing of said copies and that the same are copies of unpaid assessments for improvements made in the township from which said copies shall be sent, and that said clerk shall receive the sum of twenty-five cents for his services under this section.

13. *And be it enacted*, That in case any assessment, made in accordance with the provisions of this act, or the costs of making a copy of the same, or of filing or endorsing said copy, shall remain unpaid for the space of forty-five days after said copy shall be filed as aforesaid, then and in such case it shall be lawful for the township committee, or a majority of them, to advertise the property on account of which said assessment shall have been made, for sale, at public vendue, by advertisements signed by them and published in a newspaper published in said township, for the space of four weeks next preceding the

Provided.

Upon completion of assessment for curbing and paving to be filed in county clerk's office.

Assessments to remain a lien.

Duties of county clerk.

Failure to pay assessment committee to advertise property for sale.

time appointed for such sale, at least once in every week ; and likewise posted in at least five public places in said township, one of which shall be at or near the premises mentioned in said advertisements, and at a time and place in said advertisements to be mentioned, for the shortest term for which any person will agree to take the same and to pay the amount of said assessment and the legal fees, charges and expenses ; *provided*, that such sale may be adjourned on application of the owner of the premises to be sold or other persons interested therein, or in case no bidder shall attend it, from time to time, for a period not exceeding sixty days in all, in which case a short notice of said adjournment shall be published in said newspaper.

Notices of sale to be posted.

Proviso.

Committee authorized to sell lots or premises at sale.

14. *And be it enacted*, That at the time and place mentioned in said advertisement, it shall be lawful for the said township committee, or a majority of them, to sell the said lot or premises on account of which any such unpaid assessment shall have been made, to such person or persons as will agree to take the same for the shortest period of time and to pay the said assessment and the legal fees, charges and expenses which shall have been incurred by reason of said assessment up to the time of said sale, and which are not otherwise provided for by this act, such payment to be made at and before the conclusion of such sale, and if not so made, the said committee or a majority thereof shall resell the premises.

Property not to be sold for longer period than 50 years.

15. *And be it enacted*, That no property shall in any instance be sold under the provisions of this act for a longer period than fifty years.

Chairman of committee to deliver to purchasers certificates of sale.

16. *And be it enacted*, That within ten days after such sale the chairman of said committee shall deliver to the purchaser or purchasers a certificate of such sale, under his hand and the seal of said township, if any there be, attested by the township clerk, which certificate shall contain a description of the property, the term for which sold, the amount of the assessment and legal fees in detail, together with the date of the sale and the time when the right to redeem, as hereinafter provided, shall expire.

Certificate to be recorded in county clerk's office.

17. *And be it enacted*, That the purchaser shall cause such certificate to be recorded in the office of the clerk of the county in which said township shall be situated, within twenty days from the receipt thereof, and that, there-

upon he shall be entitled to the immediate possession of the property described in said certificate, and to all the rents, issues and profits thereof, from the date of said certificate; and in case the premises are occupied by the owner or owners thereof, the purchaser or purchasers shall give notice to such owner or owners in writing, by leaving the same with some member of his or their family or families, over the age of fourteen years, and informing him of the contents thereof, of such sale, and demanding possession of said premises within thirty days from the service thereof, as aforesaid, and at the same time shall exhibit to the person so served as aforesaid, the aforesaid certificates; and if, at the expiration of said thirty days, the said owner or owners shall not deliver up possession thereof, then and in that case the purchaser may take the same proceedings to gain possession of such premises as may be taken by purchasers under decree and sale of mortgaged premises.

Purchasers to give notice to owners.

18. *And be it enacted*, That any person having a legal or equitable interest in such premises sold as aforesaid, may redeem the same at any time within a period of two years from such sale, by paying to the purchaser or purchasers, or his or their legal representatives, the amount of the purchase money, with legal interest thereon, together with such costs and expenses as may have been incurred by the purchaser or purchasers subsequently to said sale under the provisions of this act; and the purchaser or purchasers, or his or their legal representatives, upon receiving such payment, if made by the owner or owners of such premises, shall restore said premises to such owner or owners; and in case the owner or holder of any estate in lien upon or right of possession of such premises so sold, shall pay to the purchaser or purchasers, or his or their legal representative, within the said two years, the aforesaid purchase money, interest, costs and expenses, then the sale shall be of no further effect, and the mortgagee or other person so redeeming shall have a lien on said premises for the amount paid, with interest thereon, in like manner as if the same had been included in his mortgage or other lien.

Persons may redeem premises within a certain time.

19. *And be it enacted*, That in case such lands and premises so sold shall not be redeemed within the time provided for by this act, then, and in such case, the town-

Failure to redeem
within time pro-
vided committee
to execute and
deliver deed to
purchaser.

Deed to be re-
corded in
county clerk's
office.

ship committee, upon due proof being made by affidavit that such redemption has not been made, and the surrender of such certificate, shall execute and deliver to the purchaser or purchasers, or his or their legal representatives or assigns, at his or their expense, a deed for the same under the common seal of the township, if any there be, signed by the chairman of said township committee and attested by the township clerk, and acknowledged according to law; which deed shall contain a description of the property, the amount of the assessment, the fact of advertisement and sale, the date of said sale and the period for which said premises were sold, and that said deed shall be recorded in the office of the county clerk aforesaid, within ten days after the delivery thereof; and that, unless so recorded the same shall be of no effect against a prior or subsequent mortgagee or purchaser in good faith; and, also, that the right of redemption shall continue until such recording, notwithstanding the lapse of the aforesaid two years; and that said purchaser or purchasers, upon complying with the provisions of this act, shall, by virtue thereof, hold and enjoy said premises, for and during the term for which he or they shall have purchased the same, for his or their own proper use, benefit and advantage, against the owner or owners thereof, and against all and every other person or persons claiming under him or them, or under any other person or persons, whether as mortgagee, alienee, heir at law or encumbrancer, as fully and completely as though there were no other estates or mortgages, alienations, devises, descents, liens or encumbrances of, in, upon or against said property or any part thereof, until said term shall be full completed and ended; and the purchaser or purchasers shall be at liberty, at or before the expiration of said term, to remove any building and materials erected and placed by him or them on said premises, and when said term shall have ended, shall peaceably and quietly yield up the same to the lawful owner or owners thereof, in as good condition as when he or they took possession of the same; damage resulting from ordinary use and the elements excepted.

20. *And be it enacted*, That no sale of premises made in pursuance of the provisions of this act, shall destroy or in any manner affect the lien of any mortgage duly recorded

or registered at the time of such sale, unless the purchaser or purchasers shall give to the mortgagee or mortgagees holding the same, within three months after the date of said sale, notice in writing, setting forth the date of such sale, the amount of the purchase money, the description of the property as contained in the certificate of sale, the date when the time of redemption shall expire, and a reference to this act; which notice shall be served personally or by leaving the same with a member of the family or families of such mortgagee or each of such mortgagees, over the age of fourteen years; or if neither the said mortgagee or mortgagees, nor a member of his or their family, or of each of their families can be found, then by mailing the same inclosed in an envelope or envelopes, plainly directed to him or each of them at his or their last known post office address or addresses, with full postage prepaid thereon; and the purchaser shall, within twenty days after the service of such notice, transmit a true copy of such notice, with due proof of its service, to the clerk of the county in which said lands are situate, and such notice shall be recorded and indexed in the same book in which mortgages are recorded, and a marginal note shall be made thereof in the book in which the mortgage or mortgages of such mortgagee or mortgagees are recorded or registered, and opposite the record thereof; for which service the county clerk shall be entitled to be paid the sum of eight cents per folio, to be paid by such purchaser or purchasers.

Sale not to destroy or affect lien of mortgage recorded unless notice shall be given to mortgagee.

21. *And be it enacted*, That the township committee shall be entitled to receive the following fees, and no other, for their services under this act, to be equally divided among those who shall perform such services, viz.: for each separate assessment on account of paving or macadamizing, the sum of twenty-five cents, to be paid out of the money specifically appropriated by the town meeting for paving or macadamizing as aforesaid; for each separate assessment on account of curbing, the sum of ten cents, to be paid out of the money specifically appropriated as aforesaid; for each separate copy of an assessment, whether for curbing, or paving, or macadamizing, filed with the county clerk, the sum of six cents; for each separate parcel of real estate sold in accordance with the terms of this act, the sum of twenty-five cents; likewise the sum of

Fees of township committee.

ten cents on account of each separate parcel of real estate, the sale of which may be adjourned ; also, for making and executing each certificate of sale, the sum of fifty cents ; beside all necessary disbursements made by them not herein specially provided for.

Premises may be bought for benefit of inhabitants of township.

22. *And be it enacted*, That the township committee, at any sale held by them under the provisions of this act, shall have power to cause any premises, offered by them for sale, upon which no bid shall be received, to be bought in for the benefit of the inhabitants of the township ; and that the said inhabitants so purchasing, shall have lawful right and authority to use, occupy and enjoy said premises, and, through their township committee, to take such proceedings as may be necessary to obtain possession thereof, and to sell and transfer the same and any part thereof, to any person paying the purchase price thereof, together with taxes and lawful interest and expenses ; *provided*, that in case any real estate, purchased as aforesaid, for the benefit of the inhabitants of any township, shall not be redeemed, it shall not be necessary for said township committee to execute a deed to the inhabitants of said township for the same ; but the said township shall hold, enjoy and dispose of the premises so purchased, under the certificate or certificates of sale of the same, as fully to all intents, as if a deed or deeds for the same had been executed and delivered to them.

Proviso.

Acts and proceedings to be performed by township committee.

23. *And be it enacted*, That all acts or proceedings to be had or done by virtue of this act, by any township committee, in paving or macadamizing, or assessing or collecting the expenses thereof in pursuance of a resolution ordering such paving or macadamizing as aforesaid, shall be performed by the township committee, or the survivor of the members thereof, which shall be in office at the time of, or shall be elected to office at the meeting when such resolution shall be adopted ; notwithstanding that the term of office of said committee may have expired before the having or doing of said act or proceeding.

Amount of assessment collected to be accounted for.

24. *And be it enacted*, That the amount of all assessments collected under this act shall be held by the township committee, and shall be accounted for by them to the next annual town meeting after the same shall have been received ; and said town meeting shall be authorized to

dispose of the same for such legal purpose or purposes as shall meet their approval.

25. *And be it enacted*, That any person or persons, against whose property any assessment may have become a lien in accordance with the terms of this act, shall be entitled to have the same marked satisfied by the clerk of said county, on producing to said clerk a receipt of the treasurer of the township committee for the amount of said assessment, together with the costs of said copy, and such other costs and charges as may have accrued under the provisions of this act by reason of such assessment; and the said clerk shall be entitled to receive the sum of ten cents for each and every such service, to be paid him by the person at whose request the same shall be performed.

Upon producing receipt of treasurer purchaser may have assessment marked satisfied by county clerk.

Fee of county clerk.

26. *And be it enacted*, That the expenses of advertising under this act, except expenses of advertising property for sale, and of making said assessments and copies thereof, and filing and endorsing said copies, shall be paid by the township out of the money specifically appropriated for paving as aforesaid.

Expenses of advertising to be paid by township.

27. *And be it enacted*, That in the case of any township in which no newspaper shall be published, all the notices provided for by the terms of this act may be inserted in a newspaper published in the county seat of the county in which said township shall be situated; and, in such case, all notices so printed shall have the same effect as if inserted in a newspaper published in such township.

Notices to be published in newspaper.

28. *And be it enacted*, That nothing in this act contained shall give to the township committee of any township any control of, or supervision over any road or roads, or part of the same, lying and being within the limits or boundaries of any incorporated town, borough or city, being within the bounds of any township, and which road or roads are now by law under the control and supervision of the municipal authorities of any such town, borough or city.

Committee not to have control or supervision of roads within limits of towns, boroughs, cities, &c.

29. *And be it enacted*, That this act shall take effect immediately.

Passed March 27, 1882.

CHAPTER CXXXV.

An Act relating to the improvement of streets and the construction of sewers in the cities of this state.

Cities empowered to raise capital fund for improvement of streets and construction of sewers.

Amounts in certain cities to be raised.

Capital fund raised how applied.

Legal requirements to be complied with.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, or other legislative or governing body, of any city in this state, whenever in its judgment such action shall seem judicious, to raise in its annual tax ordinance a capital fund to be used exclusively in the improvement of its streets and the construction of necessary sewers therein, which said fund so raised in the several cities of the state shall not exceed in any one year the following amounts, viz : in cities having a population of one hundred thousand inhabitants and over, a sum not exceeding seventy-five thousand dollars ; in cities having a population of fifty thousand and not more than one hundred thousand, a sum not exceeding twenty-five thousand dollars ; in cities having a population of twenty-five thousand and not more than fifty thousand, a sum not exceeding ten thousand dollars ; and in cities having a population less than twenty-five thousand, a sum not exceeding five thousand dollars.

2. *And be it enacted*, That so much of such capital fund raised as aforesaid as the common council, or other legislative or governing body of any such city shall determine to use for that purpose, may be applied each year to the paving or repaving of the streets of any such city, and such paving or repaving may be done without the consent or request of the owners of property fronting on said projected improvement.

3. *And be it enacted*, That before any ordinance providing for the improvement of streets and the construction of sewers as aforesaid, shall be presented for the action of the legislative or governing body of any city, all legal requirements existing in the charter of such city with

respect to the notice of intention to do said work, shall be in all respects complied with.

4. *And be it enacted*, That if the common council or other legislative or governing body of any city in this state, shall determine to raise in its annual tax ordinance the sum hereby authorized, or any part thereof, for any or all of the purposes herein designated, the said ordinance shall specifically state how much of said moneys so raised shall be applied to each designated improvement; and the amounts so set apart for a particular and specified improvement shall not be applied to any other use, nor exceeded in any year.

Sum authorized and set apart for improvements to be designated by ordinance.

5. *And be it enacted*, That assessments for benefits from any such improvements (except as hereinafter stated) shall be made, levied, collected, and be a paramount lien upon the lands and real estate specially benefitted thereby, in conformity with the provisions of existing law in force in such city with respect to making and collecting assessments therein.

Assessments for benefits to be levied and collected and remain a lien, &c.

6. *And be it enacted*, That all moneys collected from assessments for benefits as aforesaid, shall be set apart, and kept separate from other funds of said city, to be used as an additional fund for similar improvements as its common council, or other legislative or governing body, shall from time to time determine; and assessments for benefits from such improvements shall be made, levied, collected, and be a first lien upon the lands and real estate specially benefitted thereby, in conformity with the provisions of existing law in force in such city with respect thereto; and the moneys collected therefrom shall be expended solely for similar improvements as its legislative or governing body shall deem judicious; and so from time to time such improvements may be made, and assessments which shall be a prior lien on the lands specially benefitted, may be made, collected and applied, under the provisions hereof.

Moneys collected from assessments for benefits how applied.

7. *And be it enacted*, That whenever any sidewalk or sidewalks in any city shall, in the judgment of its council or other governing body, need flagging, reflagging or repairing, the street commissioner thereof, or other designated officer, shall notify in writing the owner or owners of the land and real estate in front of which said improvement is required, personally or by leaving the same at his

Notice to be given to owners of land to flag, or repair sidewalks when ordered.

Proceedings in
case owners fail
to comply with
notice to pave or
reflag, &c.

residence, if said owner or owners reside in said city, and can be found, that said sidewalk must be flagged, reflagged, or repaired by said owner or owners within thirty days from the service of said notice; if said owner or owners be non-resident, then said notice shall be served on his or their agent, if he can be found, and if not, the same shall be posted conspicuously on the premises; and if said work is not done by the said owner or agent as required by said notice, then the said city shall proceed to do said work, which may be by resolution without notice of intention, and its surveyor, or other officer designated for the purpose, shall ascertain the cost thereof, and shall assess on said property in front of which said work is done, the whole expense of doing the same; and said assessment, when filed in the office of the comptroller or other person authorized to collect assessments therein, shall be a first lien on said property so specially benefitted, and shall be collected and enforced as other assessments are collected and enforced in said city.

8. *And be it enacted*, That this act shall be a public act, and go into effect immediately.

Passed March 27, 1882.

CHAPTER CXXXVI.

A Further Supplement to the act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight; and also an act to amend a supplement to said borough act, approved March fifteenth, one thousand eight hundred and eighty-one.

1. *BE IT ENACTED by the Senate and General Assembly of*

the State of New Jersey, That section two of an act entitled "A supplement to the act entitled, 'An act for the formation of borough governments,'" approved April fifth, one thousand eight hundred and seventy-eight, which supplement was approved March fifteenth, one thousand eight hundred and eighty-one, be and the same is hereby repealed. Section repealed.

2. *And be it enacted*, That section thirteen of the act to which this is a further supplement, be and the same is hereby amended so as to read as follows : Section amended.

13. *And be it enacted*, That the legal voters of the said borough, at each election for mayor and councilmen under this act, shall, by vote and upon the same ballot used in voting for the officers aforesaid, designate an amount of money to be raised for borough purposes, not exceeding fifteen hundred dollars in any one year ; and the sum of money designated upon the ballot having the greatest number of votes at any such election, shall be the sum to be raised by taxation for borough purposes, and the result shall be certified upon the returns of said election and the amount of money so voted, shall be assessed and collected, under the name of borough tax, by the same officers and at the same time and in the same manner as township taxes are or may hereafter be collected by law ; *provided*, the same shall be assessed only upon the taxable property, real and personal, within the borough limits ; and the moneys so raised shall be paid out by the township collector, upon the warrant of the council, signed by the mayor and attested by the borough clerk ; and if any township collector, at the expiration of his term of office, shall have in his hands any balance of such moneys, he shall turn the same over to his successor in office ; said township collectors shall be responsible, upon their official bonds as township collectors, for said moneys by them collected or received, and the assessors shall be entitled to receive three cents on each name upon their respective duplicates, for assessing such borough tax, and the township collectors shall receive the sum of five cents on each dollar for collecting and disbursing the same, and no more ; if any person shall think himself or herself aggrieved by any assessment or taxation made or levied under this act, he or she, shall have the same remedy, by appeal or certiorari as in the case of township taxes. Legal voters to vote and designate amount of money to be raised.
Proviso.

Mayor and council within certain time previous to election to prepare statement of receipts, disbursements and amount required to be raised by tax.

3. *And be it enacted*, That the mayor and council of the several boroughs organized under the said act, shall, at least ten days previous to their annual election on the second Tuesday of March of each year, prepare for publication a report giving an estimated statement of all moneys by them received as fines, licenses and by taxation, during the preceding year, and the disbursement thereof; and they shall also name and recommend such sum or sums of money to be voted for and raised by tax, as in their judgment would be necessary to defray expenses of such borough for the ensuing year, which report shall be recorded by the borough clerk, and shall at all suitable hours, be accessible to the taxpayers of any such borough, and may also be published in one or more newspapers in such borough limits.

Repealer.

4. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Passed March 27, 1882.

CHAPTER CXXXVII.

An Act relating to the compensation of members of the board of chosen freeholders.

Members of board of freeholders entitled to mileage.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That members of the board of chosen freeholders in addition to the compensation now allowed by law, shall be entitled to receive the sum of three cents per mile for each and every mile they shall necessarily travel in going to and returning from, by the nearest route, the sessions of the board; *provided*, that this act shall not apply to counties having one hundred thousand population or over, or where they receive annual salaries.

Proviso.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Passed March 27, 1882.

CHAPTER CXXXVIII.

A Supplement to an act entitled "An act concerning clerks of counties in this state," [Revision], approved April twenty-first, eighteen hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all counties where the county clerks are now paid by annual salary, the deputy clerk shall receive the sum of two thousand dollars per annum, which shall be paid to said deputy clerk in quarterly payments by the collectors of said counties respectively.

Annual salary of
deputy clerk and
by whom paid.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 27, 1882.

CHAPTER CXXXIX.

An Act relative to the jurisdiction and practice of district courts in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, the jurisdiction of each and every district court established by law in any city of this state, whether by general or special statute shall, be and the same is hereby

Jurisdiction of
district courts ex-
tended.

PROVISO. extended to every suit of a civil nature at law, in which the debt, balance, damage or other matter in dispute, does not exceed, exclusive of costs, the sum or value of three (3) hundred dollars; *provided*, that this act shall not be construed to extend to or embrace any suit or action where the title to lands and real estate shall come in question.

Suits above a certain sum, warrant, &c., to be issued out of district courts. 2. *And be it enacted*, That in all suits where the debt, balance, damages or other matter in dispute, is claimed to be above or exceed the sum or value of two hundred dollars, exclusive of costs; that all writs of summons or attachment warrant, execution, venire or other process, in any such suit or action, shall issue to the sheriff of the county wherein the city is located, in which any such district court is established, and shall be issued out of said courts and returned thereto in like manner as writs out of the courts of common pleas in this state.

Pleadings to be filed as in circuit courts. 3. *And be it enacted*, That the pleadings to be filed in said district courts, in any suit where the debt demanded, or damage claimed, actually exceeds the sum or value of two hundred dollars, shall be the same as those in the circuit courts of the several counties of this state, and the declaration in any such suit shall be filed within ten days after the return day named in the summons, and the plea or demurrer of the defendant shall be filed within ten days after the time limited for the filing of the plaintiff's declaration, and each succeeding pleading, until the cause is at issue, shall be filed within ten days after the time for pleading by the opposite party, and every cause when at issue shall be noticed for trial by the plaintiff at a day not more than ten nor less than five days from the last day of the time for filing the pleading that put the cause at issue, and the costs to be taxed in any such cause shall be the same to the attorney, court, clerk and sheriff, as are taxable in the several inferior courts of common pleas in this state; *provided, however*, that in case the plaintiff shall upon the return day of the summons file his declaration and serve a copy thereof on the defendant or his attorney, that the defendant shall plead or demur thereto within ten days from the date of such service, and in default of the filing of a plea or demurrer by a defendant duly served with summons within the time limited, the plaintiff may appear at any day after such expiration and

Declaration when to be filed.

Costs to be taxed.

PROVISO.

prove his cause *ex parte* in open court, and have judgment therein.

4. *And be it enacted*, That at any time hereafter in docketing any judgment from a district court, it shall only be necessary to file with the clerk of the court of common pleas, a statement signed by the clerk of the district court, under the seal of the court, which statement shall only be required to contain the name of the court, the name of the parties, the amount and date of judgment and date of issue and return of execution, if any, which, when filed with the clerk of the common pleas, shall have the same force and effect as a transcript of judgment from a district court now has by law; the fee to the clerk of the court of common pleas for filing said statement shall be two dollars, and to the clerk of the district court for certifying the same fifty cents.

Docketing of judgments by clerk of court of common pleas.

5. *And be it enacted*, That it shall not be necessary before obtaining from the clerk of the district court the statement for docketing, that execution on the judgment shall issue out of and be returned unsatisfied into the district court, but that the same may be made and taken at any time after judgment in the district court, and be of the same force and effect as if execution had been issued and returned as now required by law; *provided*, that an affidavit of the plaintiff or his attorney shall be filed with the clerk of the court of common pleas with said statement, setting forth that said judgment about to be docketed is bona fide, and is still due and unpaid in whole or part.

Execution may be taken at any time after judgment in district courts.

Proviso.

6. *And be it enacted*, That each of the judges of the several district courts of this state shall have the same powers, jurisdiction, and authority, upon petition for discovery in aid of execution, upon the return of any execution unsatisfied in whole or part into any of said district courts, to order the judgment debtor to appear before the court, or one of the supreme court commissioners of this state, and make discovery on oath concerning his property or things in action before said judge or commissioner; and upon the taking of the testimony by said judge, or the certification by the commissioner of the testimony taken by him under the order, to appoint a receiver of the property and things in action belonging, or due to, or held in trust for such debtor at the time of issuing the execution,

Powers and jurisdiction of judges upon petition for discovery in aid of execution.

or at any time afterward, as is now vested in or exercised by any of the judges of the inferior courts of common pleas of this state, and such receiver when appointed shall have like power, authorities and duties as receivers appointed under similar proceedings by any of said judges of the inferior courts of common pleas; *provided, however, that* no receiver appointed by any district court judge shall become vested with the title to or have the right to demand and receive any of the real property of any such judgment debtor.

PROVISO.

Parties in whose favor judgment is rendered to recover witness fees.

7. *And be it enacted*, That upon any judgment for the plaintiff or defendant, or of non-suit in any district court in this state, where the real amount at issue between the parties exceeds in debt, demand or damage fifty dollars, the party in whose favor such judgment may be shall recover his witness fees for all witnesses actually subpoenaed or sworn, not exceeding five in any cause.

Fees of jurors in causes exceeding a certain amount.

8. *And be it enacted*, That in any case where a jury shall be called by either of the parties to any cause in any district court in this state, in which the debt, damage or other matter in dispute exceeds, exclusive of costs, the sum or value of two hundred dollars, the fee of each juror that serves in said cause shall be fifty cents per day, to be paid as now provided by law in other cases tried by jury in said courts.

Jurisdiction of courts extended in suits commenced by writs of attachment, &c.

9. *And be it enacted*, That the jurisdiction of said district courts in all suits or proceedings in said courts commenced by writs of attachment, shall be and the same is hereby extended to all debts or demands due from any non-resident or absconding debtor, where the amount of such debt or demand does not exceed, exclusive of costs, the sum of three hundred dollars.

Witnesses may be required to appear and testify.

10. *And be it enacted*, That in proceedings taken under this act for discovery in aid of execution, witnesses may be required to appear and testify concerning said matters by either party, by process of subpoena *ad testificandum* issued out of said district court wherein the judgment shall be recorded, and the judge or commissioner may adjourn the examination from time to time at the instance of either party, as may be needful; and the refusal to obey any subpoena so issued shall be punished as in case of refusal to obey like subpoena in actions of debt tried in said court; the attorney, court, clerk, commissioner and wit-

Refusal to obey subpoena.

nesses shall be entitled to the same fees as for like services in the court of common pleas, which costs shall be recoverable as other costs in said district court, and when in favor of the plaintiff shall become a part of the judgment, and when in favor of the defendant execution may issue therefor.

Fees of attorney, clerk, &c., how recovered.

11. *And be it enacted*, That when a warrant to take the body of any defendant shall issue out of any district court in this state, it shall be lawful for the defendant, upon the trial of said cause, to give testimony as to the truth of the affidavit or affidavits upon which the order for the warrant was made; and if it shall appear that the defendant was not in fact guilty of the fraud alleged, it shall be the duty of the court to so certify upon the record of the court, and to make order in said cause that no execution to take the body shall issue against the defendant if a judgment pass against him, and in case of such an order, only an execution against the goods and chattels of the defendant shall issue.

Upon warrant to take body, defendant may give testimony.

12. *And be it enacted*, That the jurisdiction of said district courts shall be extended to all suits by or against municipal corporations where the debt, balance, damage or other matter in dispute does not, exclusive of costs, exceed the sum or value of three hundred dollars, and that when any suit shall be instituted against any municipal corporation a copy of the summons, precept or such other legal process as may be issued against the said municipal corporation shall be left with the mayor or clerk thereof fifteen days at least before the time of appearance mentioned therein.

Jurisdiction extended to all suits by or against municipal corporations.

13. *And be it enacted*, That the final decision and determination of any district court in this state upon any suit where the debt, demand or damage in controversy exceeds the sum or value of two hundred dollars, may be removed to the supreme court of this state by certiorari, at the instance of either party thereto, for review by the supreme court, in the same manner as causes heard and determined in the inferior courts of common pleas of this state may be heard and reviewed; *provided, however*, that no reversal for error of law shall be made, or a new trial granted for the admission or rejection of evidence, or the refusal of the district judge to grant a new trial, unless exception to the ruling of the court below was taken at the trial and is presented

Decision and determination when exceeds a certain amount may be removed to supreme court by certiorari.

Proviso.

Proviso.

to the court in a bill of exceptions, sealed by the judge; *and provided, further*, that no certiorari shall be allowed until the plaintiff in certiorari shall, if he be the defendant below, enter into bond, to be approved by the justice of the supreme court, granting the writ, or a district court judge in double the amount of the judgment entered against him, to the plaintiff in the action, conditioned for the payment of the judgment and costs, and the costs of appeal in case the judgment of the district court be affirmed in the supreme court.

Judge may conduct and preside at any other district court and the appointment of judges validated.

14. *And be it enacted*, That the judge of any district court in any city in this state may preside in and conduct the business of any other district court in any other city when requested so to do by the judge thereof, and the appointment of all district court judges now in office in any city in this state is hereby validated and confirmed whether appointed under a general or special statute.

15. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1882.

CHAPTER CXL.

Supplement to an act entitled "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four, and to the supplements and amendments thereto.

Section amended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one hundred and ninety-one of said act be and the same is hereby amended to read as follows :

2. *And be it enacted*, That "if two or more persons shall combine, unite, confederate, conspire, or bind themselves

by oath, covenant, agreement, or other alliance to commit any crime, or falsely and maliciously to indict another for any crime, or to procure another to be charged or arrested for any crime, or falsely to move and maintain any suit, or to cheat and defraud any person of any property by any means which are in themselves criminal, or to cheat and defraud any person of any property by any means which, if executed, would amount to a cheat, or to obtain money by false pretences, or to conceal or spread any contagious disease, or to commit any act for the perversion or obstruction of justice, or the due administration of the laws, they shall, on conviction, be deemed guilty of a conspiracy, and shall be punished by imprisonment at hard labor not exceeding two years or by a fine not exceeding five hundred dollars, or both; but no agreement to commit any crime other than murder, manslaughter, sodomy, rape, arson, burglary or robbery, shall be deemed a 'conspiracy' unless some act in execution of such agreement be done to effect the object thereof by one or more of the parties to such agreement."

Penalty for combining, conspiring, &c., to commit or to procure another to commit crime.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 28, 1882.

CHAPTER CXLI.

An Act to regulate fares on horse cars in cities of the first class in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any horse car railroad company, whether organized under general laws or special charter, owning or operating, whether as lessees or otherwise, any horse railroad in

Unlawful for horse railroads to charge and collect more than five cents for each passenger

Penalty. cities of the first class in this state to charge or collect more than five cents for each passenger for the whole distance carried within the limits of any municipal corporation of this state under penalty of one hundred dollars for each and every offence, to be recovered in an action of debt by any person who may sue for the same in any court of competent jurisdiction, one-half, with the costs of prosecution, to go to the prosecutor, and the other half to the use of the municipal corporation, within the limits whereof said offence shall be committed.

Repealer. 2. *And be it enacted*, That all acts and parts of acts, general or special, inconsistent with the provisions of this act be and the same are hereby repealed.

When to take effect. 3. *And be it enacted*, That this act shall be a public act, applying to cities of the first class, and shall take effect on the first day of May next.

Approved March 28, 1882.

CHAPTER CXLII.

An Act providing an additional appropriation for the support of the New Jersey Home for Disabled Soldiers.

Additional appropriation. 1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in addition to the appropriation now authorized by law, the further sum of five thousand dollars is hereby appropriated for the support of the New Jersey Home for Disabled Soldiers for the current year.

Appropriation how expended. 2. *And be it enacted*, That said sum shall be expended under the direction of the board of managers of said home, and the state treasurer is hereby directed and authorized to pay the same to the treasurer of said home on the warrant of the comptroller of the state treasury, out of any

moneys in the treasury of this state, not otherwise appropriated.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 28, 1882.

CHAPTER CXLIII.

A Supplement to an act entitled "An act concerning marriages, births and deaths," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of "An act concerning marriages, births and deaths," approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended to read as follows :

Section amended.

2. *And be it enacted*, That every judge of any court of common pleas, and justice of the peace, recorder and police justice, and mayor of a city of this state, and every stated and ordained minister of the gospel, is hereby authorized to solemnize marriages between such persons as may lawfully enter into the matrimonial relation, and every religious society in this state, may join together in marriage such persons as are of the said society, or when one of such persons is of such society, according to the rules and customs of the society to which they or either of them belong.

Who authorized to solemnize marriages.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 28, 1882.

CHAPTER CXLIV.

An Act to authorize additions to sinking funds in cities.

Board of commissioners authorized to make additions to sinking fund annually in order to provide for payment of bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cities where there are water works in operation under the control of a board of commissioners, and where a sinking fund has been established by them for the redemption of bonds issued for the purchase or extension of said works, such board of commissioners are hereby authorized to make additions to such sinking fund annually to such amount as they deem proper and necessary in order to provide for the payment of all bonds issued by authority of law by such board, and with authority to make such regulations for and disposition of such funds as may be necessary to make it applicable for the redemption of the several series of bonds issued as they mature; such amounts as may be appropriated by authority of this act may be paid from the revenues derived from the use of water, and are not to exceed annually an amount equal to ten per centum of the water rent revenues of the preceding year.

2. *And be it enacted*, That this act be deemed and taken to be a public act, and shall take effect immediately.

Approved March 28, 1882.

CHAPTER CXLV.

An Act for the relief of the holders of stock of any corporation of this state whose certificates of stock have been lost or destroyed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every corporation of this state shall have the power to issue a new certificate or certificates of stock in the place of any certificate or certificates theretofore issued by it, but which, it is alleged, have been lost or destroyed, and the directors authorizing such issue of a new certificate or certificates, may, in their discretion, require the owner of such lost or destroyed certificate, or his legal representatives, to give the corporation a bond, in such sum as they may direct, as security against any claim that may be made against such corporation; but said directors may direct such issue of a new certificate or certificates without requiring any bond as security, when, in their judgment, it is proper for the corporation so to do; when application is to be made under section two of this act, the corporation shall require a bond to be given equal to the market value of the stock lost or destroyed.

Corporations empowered to issue new certificates in place of those lost or destroyed and may require owner to give bond.

2. *And be it enacted*, That when any corporation shall have issued a new certificate or certificates, as authorized in section one of this act, to the owner of lost or destroyed certificates representing stock exceeding the par value of twenty thousand dollars, such corporation may apply to the chancellor, or any justice of the supreme court, for an order requiring all persons in interest to show cause, at a time and place to be named therein, why the corporation should not be discharged of and from all liability, to any and all persons, by reason of the issuing of such new certificate or certificates of stock as aforesaid, and why all persons claiming any title to or interest in the old certifi-

Corporation may apply to chancellor or justice of supreme court for order to show cause, &c.

Proceedings on
application for
order to show
cause.

cate or certificates, so lost or destroyed as aforesaid, should not be barred from all right of action thereunder; that upon the presentation of such application, said chancellor, or any justice of the supreme court to whom the same shall be presented, shall make an order directing all persons in interest to show cause as aforesaid; the application shall be by petition, duly verified by one of the officers of the corporation, and shall state the name of the corporation; the number and date of the certificates, if known; the number of shares of stock named therein; to whom issued; the name of the owner thereof, at the time the same was lost or destroyed, and of the present owner as far as known; the chancellor or justice of the supreme court, in making the order to show cause, shall direct that service of said order be made either within or without the state, upon the person named in the petition as the owner of the stock so lost or destroyed, and shall also direct a copy of said order to be served upon all others in interest, by publication thereof in one or more newspapers in this state, or elsewhere, and said order shall require said alleged owner and all other persons in interest to appear and show cause, as required by said order; and such publication shall be once a week, for not less than two weeks, or more than four weeks; the order to show cause shall be returnable not more than six weeks from the time of the presentation thereof to such chancellor or justice, and shall require all persons claiming any interest in said stock to appear on the return day of said order, and show cause as aforesaid; and on the return day of said order, and upon proof of the service and publication as aforesaid, said chancellor or said justice shall proceed in a summary manner and in such mode as he may deem advisable, to inquire into the truth of the facts stated in the petition, and shall hear such proof and allegations as may be offered by or in behalf of the petitioner relative to the subject matter of said application; and if upon such inquiry the said chancellor or justice shall be satisfied that the person to whom the new certificate of stock was issued by such corporation, was the lawful owner at the time of said loss or destruction of said certificates of the capital stock of said corporation, for which such new certificate was issued by said corporation; and that the new

certificate is for the number of shares so lost or destroyed as aforesaid; and that the old certificate or certificates cannot, after due diligence, be found, and if no person shall appear on such return day claiming to be the owner of, or interested in, the old certificate so lost or destroyed other than the person to whom the new certificate or certificates were so issued as aforesaid, then said chancellor or justice may in their discretion make an order adjudicating that the holder of the new certificate or certificates was the owner of the old certificate so lost or destroyed, and decreeing that said old certificates shall be of no further validity or effect whatever, and shall be absolutely void; and that no person shall thereafter have or maintain any right of action thereunder, in any way thereafter, providing in such order for the protection of the rights of infants or persons under legal disabilities (if any such appear by the testimony to exist); and such order so made shall be filed in the office of the secretary of state; and upon such filing, such order shall be notice to all persons, and all persons shall be bound thereby, but any bona fide holder of the stock represented by such lost or destroyed certificate or certificates may at any time within sixty days after the date of such filing in the office of the secretary of state, apply to have said order vacated, and thereupon such proceedings shall be had by said chancellor or justice for a re-hearing as they shall direct; such order shall not affect the rights of any bona fide holder of stock who has acquired the same after its loss by the rightful owner thereof and prior to the expiration of sixty days from the date of the filing of such order as aforesaid in the office of the secretary of state.

Order made to be
filed in office of
secretary of state.

3. *And be it enacted*, That whenever any corporation, incorporated under the laws of this state, shall have refused to issue a new certificate of stock in the place of one theretofore issued by it, but which, it is alleged, has been lost or destroyed, the owner of such lost or destroyed certificate, or his legal representatives, may apply to the chancellor or any justice of the supreme court for an order requiring such corporation to show cause why it should not be required to issue a new certificate of stock in the place of the one so lost or destroyed; such application shall be by petition, duly verified by the owner, or his legal representatives, in which shall be stated the

Owner of lost or
destroyed certifi-
cate may apply to,
the chancellor or
justice of supreme
court for order re-
quiring corpora-
tion to show
cause why certi-
ficate of new
stock should not
issue.

name of the corporation, the number and date of the certificate, if known, the number of shares of stock named therein and to whom issued, and as particular a statement of the circumstances attending such loss or destruction as such petitioner shall be able to give; upon presentation of such petition the said chancellor or justice shall make an order requiring the said corporation to show cause, at a time and place therein mentioned, why it should not be required to issue a new certificate of stock in the place of the one described in the said petition; a copy of the said petition and of the said order shall be served upon the president, or other head of such corporation, or upon the cashier, or secretary or treasurer thereof, personally, at least ten days before the time designated in said order for showing cause.

Proceedings on
application for
order to show
&c.

4. *And be it enacted*, That at the time and place specified in said order (provided for in section three), and upon proof of the due service thereof, the said chancellor or justice shall proceed in a summary manner and in such mode as he may deem advisable, to inquire into the truth of the facts stated in the said petition, and shall hear such proofs and allegations as may be offered by or in behalf of the petitioner, or by or in behalf of the said corporation, relative to the subject matter of such inquiry, and if, upon such inquiry, the chancellor or justice shall be satisfied that such petitioner is the lawful owner of the number of shares of the capital stock, or any part thereof, described in the said petition, and that the certificate therefor has been lost or destroyed and cannot, after due diligence, be found, and no sufficient cause has been assigned why a new certificate should not be issued in place thereof, said chancellor or justice shall make an order requiring the said corporation, within such time as shall be therein designated, to issue and deliver to such petitioner a new certificate for the number of shares of the capital stock of the said corporation which shall be specified in such order as owned by such petitioner, and the certificate for which shall have been lost or destroyed; in making such order the said chancellor or justice shall direct that the said petitioner deposit such security, or file such bond, in such form and with such sureties as to the chancellor or justice shall appear sufficient to indemnify any person, other than the petitioner, who shall

thereafter appear to be the lawful owner of such certificate stated to be lost or stolen, and to indemnify the said corporation against all loss or damage which it shall sustain by reason of claims made against it by other persons upon account of such lost, stolen or destroyed certificate; and the chancellor or justice may also direct the publication of such notice, either preceding or succeeding the making of such final order, as it shall deem proper; any person or persons who shall thereafter claim any rights under such certificate, so alleged to have been lost or destroyed, shall have recourse to the said indemnity, and the said corporation shall be discharged of and from all liability to such person or persons, by reason of compliance of the order aforesaid; obedience to such order may be enforced by said chancellor or justice by attachment against the officer or officers of such corporation, upon proof of his or their refusal to comply with the same.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 28, 1882.

CHAPTER CXLVI.

A Further Supplement to the act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where assignment has heretofore been made for the benefit of creditors, under the act to which this is a supplement, and the

Assignees may proceed to advertise and sell real estate and make final report.

assignee, for any reason, has not sold the real estate assigned and made his final report within the time as now provided by law, it shall be lawful for such assignee hereafter to proceed and advertise and sell such real estate, and make his final report and settle said estate as he might have done if said time had not expired, or if said assignee has sold said real estate and failed to make his final report within the time prescribed by law, it shall be lawful for said assignee to make his final report the same as he might have done if said time prescribed by law had not expired ; *provided*, he shall make such sale and file said account within one year from the approval of this act.

Proviso

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 28, 1882.

CHAPTER CXLVII.

An Act to authorize incorporated cities in the state of New Jersey to adjust and compromise certain past due taxes.

Preamble.

WHEREAS, Many vacant lots and unimproved lands within cities in this state have been, prior to the year one thousand eight hundred and seventy-nine, assessed for taxes and sold for non-payment thereof, and certificates of sale therefor are now held by said cities ; and that, by reason of the excessive assessments heretofore made on account thereof, and the re-assessments thereon while so held, said cities are unable to obtain the payment of such taxes ; therefore, to aid such cities in obtaining settlement of the same,

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board

of aldermen or common council of said cities, respectively, or any committee of said board of aldermen or common council, of not less than three in number, for that purpose by resolution appointed, to examine, alter, adjust, compromise and settle all or any unpaid taxes, assessed in said cities, respectively, on account of vacant lots and unimproved lands therein, prior to the year one thousand eight hundred and seventy-nine, which have been sold for the non-payment thereof, and certificates of sale therefor have been given to, and are now held by, said cities, respectively, in such manner as may be equitable and just.

Cities authorized to examine, alter, adjust, compromise and settle certain past due taxes.

2. *And be it enacted*, That any person or corporation having an interest in any such vacant lots or unimproved lands, and desiring to redeem the same, or any part thereof, may present to said board of aldermen or common council of said city in which such past due tax or taxes exist, a petition, therein praying for a compromise and settlement for any such past due taxes, and thereupon it shall become the duty of such board of aldermen or common council, or any committee thereof duly appointed by said board of aldermen or common council, to examine such past due taxes and to alter, adjust, compromise and settle the same as shall be equitable and just; and when the same shall be so done it shall be final and conclusive between every such person or corporation so petitioning for the same, and any said city in which such past due taxes shall have been so altered, adjusted, compromised and settled.

Upon petition of persons interested cities may alter, adjust and compromise past due taxes.

3. *And be it enacted*, That the proceedings of the said board of aldermen or common council, or the duly appointed committee thereof, shall be signed by the presiding officer of such board of aldermen or common council, if had before them, or, if before a committee thereof, as herein authorized, then by the said committee, or a majority of them, and filed in the office of the officer of the said city in which such proceedings shall be held, with whom such tax was filed before such alteration, adjustment, compromise and settlement; *provided, however*, that any person or corporation desiring to have the benefit of this act shall file petition therefor within twelve months from the date of the passage of this act.

Compromise to be final and conclusive.

Proceedings of board to be signed by presiding officer and filed.

Proviso.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 28, 1882.

CHAPTER CXLVIII.

An Act relative to past due taxes and assessments in towns, townships and boroughs.

Township committee authorized to compromise and adjust arrears of taxes and assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of any township in this state, to compromise and adjust with any delinquent taxpayer any arrears of taxes and assessments against such person or his property, by reducing or remitting the amount of interest and costs upon such past due taxes and assessments, and to accept the principal, together with such reduced rate of interest and costs, or the principal alone, in full satisfaction of such past due taxes and assessments; and thereupon, to make and deliver to said delinquent and to the township collector, each a copy of such statement certified by the clerk of the township.

Township collector to take in settlement amount committee agreed to accept and to give receipt therefor.

2. *And be it enacted*, That it shall be the duty of the township collector, upon receiving said certified statement, to take in settlement such sum as said township committee shall have agreed to accept, and to give a receipt for the amount paid in satisfaction thereof to the person paying the same, which receipt, accompanied by said statement, shall be sufficient evidence of the payment of the tax, and upon presentation thereof with the tax bill annexed, the clerk of the county shall satisfy the tax record in his office in the manner now provided by law.

Act not to be operative unless owners apply for reduction within one year

3. *And be it enacted*, That this act shall not be operative unless the owner or owners of property apply for a reduction of their tax or taxes within one year from the passage of this act.

4. *And be it enacted*, That this act shall apply to all incorporated towns, townships and boroughs in this state, and shall take effect immediately.

Approved March 28, 1882.

CHAPTER CXLIX.

An Act to regulate the management and custody of securities and moneys belonging to the sinking fund and interest accounts of the school districts of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the officer in every township whose duty it now is by law to receive and hold in trust the school moneys of the several districts in such township (whether such officer be called collector of taxes, receiver of taxes, township treasurer, or by any other name), shall collect, receive, hold in trust and be accountable for, all securities, funds and moneys of any school district in such township, which belong to any sinking fund or interest account, or to a fund provided for the redemption of any bonds or the payment of any debt of such district; and all payments and disbursements of money, whether for interest, for discharge of principal debt or for investment, shall be made by and through such township financial officer, on school orders duly signed by the district trustees.

Who to have management and custody of securities and money belonging to sinking fund, &c., of school district.

2. *And be it enacted*, That it shall be the duty of the school trustees of any school district in this state, within thirty days after the passage of this act, to pay over and deliver to the township collector, receiver of taxes or other financial officer as aforesaid, of the township in which such district is situate, all moneys and securities in their hands belonging or relating to any funded indebtedness of such district.

School trustees to pay over and deliver to officer all moneys or securities in their hands.

3. *And be it enacted*, That the bonds or other securities given and to be given for the faithful performance of duty by any such township collector, receiver of taxes or other financial officer of any township, into whose hands shall come the money and securities of any school district, shall be liable for and held to embrace the faithful performance

Bonds, &c., of officers to be held liable, &c.

of duty raised by this or any other act relating to the care of school funds and securities by such financial officer.

Repealer.

4. *And be it enacted*, That all acts or parts of acts, whether general, special or local, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 29, 1882.

CHAPTER CL.

A Supplement to an act entitled "An act to define the duties and fix the salary of the attorney-general," approved February twenty-fourth, one thousand eight hundred and fifty-four.

Section amended. 1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the second section of the act entitled "An act to define the duties and fix the salary of the attorney-general," approved February twenty-fourth, one thousand eight hundred and fifty-four, be amended so as to read as follows:

Annual salary. 2. *And be it enacted*, That the attorney-general shall receive an annual salary of seven thousand dollars, to be paid to him by the treasurer of this state in quarterly payments.

Salary to be in lieu of all other compensation, &c. 2. *And be it enacted*, That the said salary shall be in lieu of all other compensation for services of every nature and kind whatsoever rendered in virtue of the office of attorney-general.

Repealer.

3. *And be it enacted*, That all act and parts of acts inconsistent with this act be and the same are hereby repealed.
4. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLI.

An Act to repeal an act entitled "An act relative to the attorney-general," approved February twenty-first, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act relative to the attorney-general," approved February twenty-first, one thousand eight hundred and seventy-eight, be and the same is hereby repealed. Act repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLII.

An Act providing for the support of the state industrial school for girls.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the support and maintenance of the state industrial school for girls and for necessary repairs, the sum of three thousand dollars be and is hereby appropriated, and that the state treasurer is directed to pay the same on the warrant of the comptroller. Appropriation.

2. *And be it enacted*, That this act take effect immediately.

Approved March 31, 1882.

CHAPTER CLIII.

An Act respecting the time of payment of the salaries of the chancellor and the justices of the supreme court.

Salaries to be paid
monthly.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the respective salaries of the chancellor and the justices of the supreme court which are by law now payable in equal quarter-yearly instalments, shall be payable in equal monthly instalments.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are, so far and only so far as the same are in conflict or inconsistent with this act, hereby repealed, and that this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLIV.

A Further Supplement to an act entitled "An act for the organization of the national guard of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any special inspection shall be ordered by the commander of any brigade of the national guard of this state, such inspection shall be made by the inspector of the said brigade, or, in his absence, by such officer as the commanding officer shall appoint to perform the duties thereof, and shall be made subject to all the requirements and provisions of the law respecting annual inspections.

Special inspection
of national guard
by whom made.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLV.

A Supplement to an act entitled "An act concerning the protection of the public health and the record of vital facts and statistics relating thereto," approved March eleventh, one thousand eight hundred and eighty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the powers

Boards of health empowered to pass, alter or amend ordinances.

conferred by the act to which this is a supplement, any board of health of any city, borough or incorporated town, or of any town governed by a commission, or the board of health of any township as constituted under the act to which this is a supplement, shall have power at any stated or adjourned meeting of such board, to pass, alter or amend ordinances in relation to the public health in such city, borough, town or township for the following purposes, to wit:

To prevent the sale of unwholesome food, &c.

I. To aid in the enforcement of the state law as to the adulteration of all kinds of food and drinks, and to prevent the sale or exposure for sale of any kind of meat or vegetable that is unwholesome and unfit for food;

To define and declare what are nuisances.

II. To define and declare what shall be nuisances in lots, streets, docks, wharves, vessels, piers, and all public or private places in such city, borough, town or township, or in any part thereof;

To prevent the spread of contagious diseases, &c.

III. To prevent the spread of dangerous epidemic or contagious diseases in such city, borough, town or township, or any part thereof, and to declare when the same has become epidemic; and to maintain and enforce a proper and sufficient quarantine whenever such boards may deem the same necessary;

To regulate and control keeping and slaughtering of animals.

IV. To regulate, control or prohibit the keeping or slaughter of all kinds of cattle, sheep, goats and swine in such city, borough, town or township, or any part thereof;

To regulate and prohibit the accumulating of offal.

V. To regulate, control and prohibit the accumulating of offal and all decaying or vegetable substances in any place in such city, borough, town or township, public or private;

To prohibit and remove nuisances in streets, roads, &c.

VI. To prohibit and remove any nuisance or offensive matter in any public highway, road, street, avenue, alleyway or other place, public or private, in such city, borough, town or township, and to cause the removal of the same at the expense of the owner;

To compel return of vital statistics.

VII. To compel the proper return of all births, deaths, and marriages in such city, borough, town or township, by physicians, midwives, nurses, clergymen, magistrates, and all others professionally officiating at such death, birth or marriage, and in case any of the persons directed by this act or whose duty it is under the laws of this state to make returns of vital facts and statistics shall fail or

neglect so to do in any county, city, town or township of this state, they shall be liable in an action at law to a penalty of fifty dollars, said action being in the form of an action of debt and may be prosecuted by any state, city or township board of health in the name of the state, and so much of the amount recovered as may be necessary to pay the court expenses of said suit may be used therefor and the remainder shall go to the board bringing the suit for the sanitary use of said board.

VIII. To secure the sanitary condition of tenement houses, jails, prisons and all public buildings in such city, borough, town or township. To secure sanitary condition of houses, jails, &c.

IX. To regulate, control or prohibit the cleaning of sewers, and the dumping of garbage, and the filling of sunken lots or marsh lands, and to provide for such filling of sunken lots in any part of such city, borough, town or township. To regulate and control cleaning of sewers, dumping of garbage, &c.

2. *And be it enacted*, That in the making of ordinances, any board of health may adopt and ordain the same in the form of a code, or each ordinance may be separate and apart by itself, and in all cases said board shall cause such code, ordinance or ordinances to be published for at least three weeks, once in each week, in some newspaper printed and circulating in the city, borough, town or township in which such code, ordinance or ordinances shall take effect; and in case no newspaper shall be printed in such city, borough, town or township, then the said code or ordinances shall be posted in five public places in such city, borough, town or township, and published for the said period of time in some newspaper published in the county and circulating in such city, borough, town or township.

Ordinance may be in form of a code and to be published

3. *And be it enacted*, That any board of health may amend or repeal any part or section of such code or ordinances as they may see fit, such amendments to be passed and published as aforesaid. Boards of health may amend or repeal ordinances, &c.

4. *And be it enacted*, That every code, ordinance, amendment or repealer shall take effect in thirty days after the day of the first publication. When code or ordinance to take effect.

5. *And be it enacted*, That any board of health may prescribe a penalty for the violation of any of their ordinances or sections of any code they may make and ordain as aforesaid, not to exceed one hundred dollars and not less Boards of health may prescribe penalty for violations of ordinances, &c.

Process to be issued.

Execution to issue.

Refusal to pay judgment person or persons may be committed to jail.

than ten dollars ; and every district court in any city, and every justice of the peace in such county, and any police justice or recorder in any city, is hereby empowered, on oath or affirmation made according to law that any person or persons has or have violated any section of the code or any of the ordinances of any such board as aforesaid, to issue process at the suit of any such board as aforesaid, either in the nature of a summons or warrant, against the person or persons so charged, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, shall be returnable in not less than one nor more than ten entire days ; such process shall state what section of the code or ordinance of any such board is alleged to have been violated by the defendant or defendants ; and on the return of such process, or at any time to which the trial shall have been adjourned, the said court, justice of the peace, police justice or recorder shall proceed to hear testimony and to determine and give judgment in the matter, without the filing of any pleadings, and a copy of the ordinance or section of the code alleged to have been violated, certified to under the hand of the clerk or president of the board, and under the seal of such board, if it have a seal, shall be taken as full and legal proof of the existence of such ordinance or code, and that all requirements of law in relation to the ordaining, publishing and making of the same, so as to make the same legal and binding, have been complied with, unless the contrary be shown ; and the said court, justice of the peace, police justice or recorder shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants, and said court, justice of the peace, police justice or recorder is further empowered to cause any such defendant who may refuse or neglect to pay the amount of the judgment rendered against him and all costs and charges incident thereto, unless an appeal is granted, to be committed to the county jail for any period not exceeding ninety days ; and said court, justice of the peace, police justice or recorder is further empowered, in case any defendant shall have been twice convicted, within the space of six months, of a violation of the same ordinance, and due proof of the same made, in addition to the payment of the appropriate penalty, to cause said de-

fendant to be imprisoned in the county jail or the county work-house, with or without hard labor, for any number of days not exceeding one for each dollar of the penalty.

6. *And be it enacted*, That no district court of any city, justice of the peace, police justice or recorder shall have jurisdiction of any offences against any code or ordinances of any board of health, which offences shall take place outside of the territorial jurisdiction of such district court, justice of the peace, police justice or recorder, as such territorial jurisdiction is now established by law.

When district courts, justices, &c., not to have jurisdiction.

7. *And be it enacted*, That the officers to serve and execute all process under this act shall be the officers authorized by law to serve and execute process in said courts, and before such magistrates and officers as aforesaid, including the constables of such counties and all police officers of such cities.

Officers to serve and execute process.

8. *And be it enacted*, That section eight of the act to which this is a supplement be amended so as to read as follows :

Section amended.

8. *And be it enacted*, That whenever such nuisance, source of foulness, or cause of sickness hazardous to the public health, shall be found on private property, the board of health of the city, borough, town or township within whose limits it may be, shall at once notify the owner to remove the same at his own expense, within such time as the said board may deem the public health to require, a duplicate of the notification being left with one or more of the tenants or occupants ; if the owner resides out of the state, or cannot be reached with the notice speedily enough for the necessities of the public health, a notice left at the house or premises with the tenant or occupant shall suffice ; if the owner thus notified shall not comply with such notification or order of the local board of health within the time therein specified, said board shall proceed to remove said nuisance, source of foulness, or cause of sickness hazardous to the public health, and such board of health shall have a right to recover, by action of debt, the expenses incurred by such board in such removal, from any person or persons who shall have caused or allowed such nuisance, source of foulness, or cause of sickness hazardous to the public health, and from any owner, tenant or occupant of premises who, after notice as aforesaid, shall have failed to remove such nuisance.

When nuisances, &c., are found on private property owners to be notified to remove the same.

Failure of owner to comply with notice the board to remove and to recover expenses by action of debt.

sance, source of foulness, or cause of sickness hazardous to the public health, within the time specified in such notice ; and in case such board of health fail to recover by such action an amount sufficient to defray such expenses, or shall deem it inexpedient to bring such action, they may present a bill, certified by such board or by a majority thereof, for such expenses or for such part thereof as may not have been recovered by such action, to the proper officers of such city, borough, town or township, and such bill shall be audited and paid by the authorities of such city, borough, town or township in the same manner and by the same officers as bills for the ordinary current expenses of such city, borough, town or township are paid ; *provided, however*, that in case any injunction or stay of proceedings in any form is applied for to prevent any board of health from proceeding with the removal of any alleged nuisance, source of foulness, or cause of sickness hazardous to the public health, such injunction shall not be issued until the local board has been notified to appear and be present at the hearing of such application, but the failure of the owner, tenant or occupant to cause removal, or the refusal of the court applied to to grant an injunction or stay of proceedings, shall not prevent the party or parties making the application from any suit at law and recovery of damages, if the alleged nuisance be shown to have been in no way hazardous or prejudicial to the public health, but in no case shall such damages be allowed or recovered, unless it be shown that the board of health abating such alleged nuisance had no probable cause for their action in the premises.

Proviso.

Annual appropriations may be made to defray expenses.

9. *And be it enacted*, That annual appropriations may be made to defray the expenses of the board of health of each city, borough, town or township, in performing the duties imposed upon it by this act, and the act to which this is a supplement, in the same manner as appropriations are made to defray the current expenses of such city, borough, town or township, respectively.

Board of health to declare any epidemic so hazardous as to close schools.

10. *And be it enacted*, That the board of health of any city, borough, town or township in this state, shall have the right to declare any epidemic or cause of ill health so injurious or hazardous as to make it necessary to close any or all of the public or private schools in the limits of such city, borough, town, or township ; but in case of

public schools, the same shall not be closed except by the direction of the board of education, school trustees, or other body having the control and direction thereof; but such board of education, school trustees, or other body having control of public schools, may cause any or all of the schools under their control to be closed, if in their judgment such closing be necessary for sanitary purposes.

11. *And be it enacted*, That any board of education, school trustees or other body having control of the public schools, may, on account of the prevalence of any contagious disease, or to prevent the spread of such contagious disease, prohibit the attendance of any teacher or scholar upon any school under their control, and may specify the time during which such teacher or scholar shall remain away from such school, and may prohibit the attendance of any unvaccinated child who has not had the small-pox, upon the schools under their control, and shall also have power to decide how far revaccination shall be required if a case or cases of smallpox have occurred in the city or district.

12. *And be it enacted*, That the term "city," as used in the act to which this is a supplement, or in this act, shall apply to such cities, boroughs, towns or other incorporated municipalities within the limits of any township, and also that the term "township board of health," in either of said acts, shall apply only to such board of health as is constituted and required in any township under the act to which this is a supplement.

13. *And be it enacted*, That this act shall not apply to any city, borough, or incorporated town in counties in this state now having a county board of health duly constituted before the passage of the act to which this is a supplement.

14. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

Approved March 31, 1882.

Public schools not to be closed except by direction of trustees, &c.

Board of education may prohibit the attendance of teachers and scholars to prevent the spread of contagious diseases.

May prohibit the attendance of unvaccinated children, &c.

Certain "terms" how applied.

Act not to apply to certain cities, &c., in counties now having a county board of health.

CHAPTER CLVI.

An Act respecting the appointment of clerks of the grand juries in certain counties of this state.

Clerk of grand juries how appointed and term of office.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in each and every county in this state having a clerk of the grand juries in such county, such clerk shall hereafter be appointed by the court of oyer and terminer of such county, under the seal of said court; and such clerk shall hold his office for the term of one year, unless sooner removed by said court.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLVII.

An Act to provide ways and means to defray the expenditures of the state.

Amount of state tax to be assessed of one mill on each dollar of valuation contained in abstracts of ratables.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be assessed, levied, and collected on the real and personal property in this state, as exhibited by the abstracts of ratables from the several counties made out by the several boards of assessors for the year one thousand eight hundred and eighty-one, and filed in the office of the comptroller of the treasury, a state tax of one mill on each dollar of the valuations contained in the said abstracts, and the proceeds of the said tax are hereby appropriated and shall be applied as

follows : there shall be paid to the commissioners of the sinking fund of this state such sums as the laws of this state now in force require to be paid from the state treasury, on account of the maturing bonds issued by the state in pursuance of "An act authorizing a loan for the purposes of war," &c., approved May tenth, one thousand eight hundred and sixty-one, and the several supplements thereto ; and the residue of the proceeds of the said tax shall be paid into the state fund, and shall be appropriated and applied to defraying the necessary expenses of the state, and to the payment of such appropriations as have been made or shall be made by the legislature ; which tax shall be levied, assessed, and collected in the manner directed by the laws of this state for levying, assessing, and collecting the sums required to be raised by taxation for county, city, township or other public purposes.

2. *And be it enacted*, That it shall be the duty of the comptroller to apportion the said tax at the rate aforesaid, among the several counties in proportion to the amount of real and personal estate taxable in the said counties respectively, as shown by the abstracts as aforesaid, and it shall be his duty to transmit within thirty days after the passage or approval of this act, to the county collector of each county, a statement of the amount of said tax apportioned to said county ; and the said collector shall lay the said statement before the assessors of the townships and wards within his county, at their next meeting, to apportion to city and township taxes, and the said assessors shall thereupon proceed to assess the said tax according to law ; and it shall be the duty of the collectors of the several counties to pay to the state treasurer the quotas of the said tax due from their respective counties on or before the first day of January, one thousand eight hundred and eighty-three, and to pay the same out of the first moneys which shall be paid to them by the several city, township or ward collectors of their respective counties, any local or special law to the contrary notwithstanding.

3. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 31, 1882.

Proceeds how ap-
propriated.

Comptroller to
apportion tax
and to transmit to
county collectors
statement of tax
apportioned.

Repealer

CHAPTER CLVIII.

An Act explanatory of an act entitled "An act to regulate fees," approved April fifteenth, one thousand eight hundred and forty-six.

Preamble.

WHEREAS, doubts have arisen as to the construction of the act of which this is explanatory, in respect to the payment of fees of the clerk of the supreme court, and of the court of oyer and terminer, and general jail delivery in criminal cases, because of the provisions contained in section two of said act, wherein it is provided that no costs are to be allowed where the indictment is quashed, judgment arrested or the defendant acquitted or discharged for want of prosecution, therefore, in order to remove said doubts,

The word "costs" how construed and applied.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the word costs, as it appears in section two of the act of which this act is explanatory, under the title "fees of the clerk of the supreme court, and of the court of oyer and terminer, and general jail delivery in criminal cases," shall not be construed to apply to the fees of said clerks for subpoenas and other writs, and sealing the same where said writs have been legally served in cases investigated by the grand jury, or either of them, as specified in that part of said section.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLIX.

An Act for the preservation of health of female employees.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of all employers of females in any mercantile business or occupation to provide and maintain suitable seats for the use of such female employees at or beside the counter or work bench where employed, and to permit the use of such seats by such employees to such an extent as may be reasonable for the preservation of their health. Employers to provide and maintain suitable seats for female employees, &c.

2. *And be it enacted*, That any violation of this act by any employer shall be deemed a misdemeanor, and, on being thereof convicted, shall be punished by a fine not exceeding one hundred dollars, at the discretion of the court. Penalty for violation.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLX.

An Act relative to the payment of costs of conviction and the expense of transporting persons sentenced to imprisonment and hard labor.

1. *BE IT ENACTED by the Senate and General Assembly of*

Costs of conviction and expenses of transportation to be paid by county collector.

Proviso.

Repealer.

the State of New Jersey, That the costs of conviction of every offender sentenced to hard labor and imprisonment in the state prison, and the expense of transporting such offenders to the state prison, at the rates now or hereafter to be established by law, shall be paid by the county collector of the county in which the conviction is had, on a certificate of the taxed bill of costs signed by the clerk of the court in which conviction is had and countersigned as to the receipt of the offender by the keeper of the state prison; *provided*, that if the county collector aforesaid is not satisfied as to the correctness of such taxed bill of costs, it shall be his duty to return the same to the court where such conviction was had, in order that the same may be re-examined and retaxed by said court, which it is hereby made the duty of said court to do; and if the said county collector is not satisfied as to the correctness of the charges for transport, it shall be his duty to refer the same to the board of chosen freeholders and to be governed by their action in regard to the same.

2. *And be it enacted*, That all acts and parts of acts, general and special, inconsistent with this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXI.

An Act to amend an act entitled "An act respecting licenses in cities, incorporated boroughs, or police, sanitary and improvement commissions, and incorporated camp meeting associations or seaside resorts," approved

March twenty-fifth, one thousand eight hundred and eighty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of an act entitled "An act respecting licenses in cities, incorporated boroughs, or police, sanitary and improvement commissions, and incorporated camp meeting associations or seaside resorts," approved March twenty-fifth, one thousand eight hundred and eighty-one, be and the same is hereby amended so as to read as follows : Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of aldermen, or other governing body of any city, incorporated borough, town, or police, sanitary and improvement commission, incorporated camp meeting association or seaside resort, or other municipal corporations in this state, to make and establish ordinances for the following purposes, viz. : license and regulate cartmen, porters, hack, car, omnibus, stage and truck owners and drivers, and carriages and vehicles used for the transportation of passengers, baggage, merchandise, goods and articles of any kind, auctioneers, common criers, hawkers, peddlers, pawnbrokers, junk shop keepers, keepers of bath houses, boarding houses and news stands, sweeps and scavengers, traveling shows and circuses, and to fix the rates of compensation to be paid therefor, and to prohibit unlicensed persons and vehicles from acting or being used in such capacities ; and the fees for such licenses may be imposed for revenue ; *provided*, that no person or persons shall be required to take out a license for the selling of any product of his farm. Common council, &c., may make ordinances for the licensing and regulating cartmen, porters, etc.

2. *And be it enacted*, That this act shall take effect immediately. Proviso.

Approved March 31, 1882.

CHAPTER CLXII.

A Supplement to an act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary, and the orphans' court, and surrogates" [Revision].

Court may allow
commission to
executors or
trustees, etc.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, upon the settlement of the accounts of executors or trustees under a will, or of commissioners in partition, the usual commissions shall have been allowed them according to law, and in pursuance of the provisions of the will, or of the direction of the court, any money shall remain in the hands of, or to be intrusted to, any such person or persons for investment, the interest of which is required to be paid to any legatee or other person that may be entitled thereto, it shall and may be lawful, upon any subsequent accounting, for the court before which said account shall be presented for settlement and allowance, to consider the actual pains, trouble and risk of such accountant, and to allow such commission upon the interest or income received as to the said court shall be deemed fair and just; *provided*, that said allowance shall not exceed the sum of five per centum on such interest or income.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXIII.

An Act for the support of the New Jersey state reform school for boys.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the trustees of the New Jersey state reform school for juvenile delinquents, to make and submit a report to the governor of the state, at the expiration of every three months, dating from January first, anno domini one thousand eight hundred and eighty-two, showing the average number of boys maintained in the school during such period, which said report shall be duly certified by the president and attested by the secretary of the board; and in order to support the said school, the treasurer of this state shall pay, out of any moneys in the treasury not otherwise appropriated, to the treasurer of the New Jersey state reform school a sum not to exceed the maximum amount of twenty-five dollars, as shall be found necessary by the trustees and governor of this state, for each boy maintained in said school for such period, upon a warrant of the comptroller, to be continued three successive years.

Trustees to make
and submit re-
port to the gover-
nor.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXIV.

A Further Supplement to the act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three.

Directors may
reduce capital
stock upon con-
sent of stock-
holders.

Resolution to be
filed in office of
secretary of state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case the capital stock of any railroad company formed under the act to which this is a supplement, or otherwise, shall be found more than sufficient for constructing and operating its road, the board of directors of such company, upon first obtaining the consent in writing of at least two-thirds in amount of all the stockholders of such company, may, by resolution, to be entered on the minutes, reduce the capital stock of such company, in accordance with such consent, to such amount as will be sufficient for the purpose of constructing, maintaining and operating its railroad; a copy of which resolution, certified by the secretary of such company, under the common seal thereof, shall, within thirty days after the passage thereof, be filed in the office of the secretary of state of this state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXV.

A Supplement to an act entitled "An act concerning the protection of public health, and the record of vital facts and statistics relating thereto," approved March eleventh, one thousand eight hundred and eighty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state board of health shall be empowered from time to time to visit any state, county or township alms-house, asylum, prison, jail, court-house, reform school, or other public institution, for the purpose of making inquiry and examination into the sanitary condition of such alms-house, asylum, prison, jail, reform school, or institution, and making report thereon.

State board of health may visit alms houses, prisons, jails, &c.

2. *And be it enacted*, That the state board of health shall be directed to confer with the trustees of the state normal school, as to definite instruction to be given in the practical care of the health of teachers and pupils, and as to provisions for such instruction.

State board may confer with trustees of normal school, &c.

3. *And be it enacted*, That the state board of health be empowered to add the state geologist and the superintendent of vital statistics as ex-officio members of said board.

Empowered to add ex-officio members of board.

4. *And be it enacted*, That every physician making official report to the bureau of vital statistics, shall be entitled to receive from the treasurer of the state a copy of the annual report of the board, and of the bureau of vital statistics.

Physicians entitled to receive copy of annual report.

5. *And be it enacted*, That it shall be the duty of the state board of health to secure a full outline of blanks and methods relating to the United States census of one thousand eight hundred and eighty, and in connection with the report of vital statistics, to investigate what is feasible as to a state census in its extent and methods

Duties of state board.

and mode of tabulation, and for this purpose they may expend from the appropriation of said board a sum not exceed one hundred dollars.

Approved March 31, 1882.

CHAPTER CLXVI.

Supplement to "An act respecting surrogates" [Revision], approved April fifteenth, one thousand eight hundred and forty-six.

Surrogates empowered to appoint deputy.

Powers of.

Form of oath to be taken.

To be filed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the surrogate of any county in this state may, in his discretion, from time to time, select and appoint some competent person as deputy surrogate, who shall hold his office during the pleasure of the surrogate of such county for the time being, and who shall, in the absence of the surrogate, have full power to perform all the duties of the office of surrogate, including the taking of oaths and affirmations, in as full a manner as the surrogate could perform such duties; that before entering upon the duties of his appointment such deputy surrogate shall take and subscribe the following oath before one of the judges of the court of common pleas of said county: I, _____ being appointed deputy surrogate by the surrogate of the county of _____ do solemnly swear (or affirm, as the case may be) that I will truly, faithfully, and impartially execute the office of deputy surrogate of said county agreeably to law, according to the best of my skill and understanding, so help me God; which oath or affirmation shall, by the judge before whom the same is taken, be delivered or safely transmitted to the secretary of state to be filed among the public papers of his office; and such deputy surrogate may, if

the surrogate appointing so demand, enter into a bond to such surrogate in such sum and with such sureties as such surrogate shall request, conditioned that such deputy surrogate shall well, truly, faithfully and impartially execute, perform and discharge the duties of his office, and that he will pay over and account for all moneys that shall come to his hands.

Deputy to enter into bond if surrogate demand.

2. *And be it enacted*, That any deputy surrogate appointed under this act shall only be entitled to receive such compensation as may from time to time be agreed upon between him and the surrogate appointing him, and that nothing in this act contained shall be considered or construed as entitling such deputy surrogate to any fees or to any other compensation than that paid him by such surrogate under the agreement between them.

Compensation of deputy to be paid by surrogate.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXVII.

An Act to provide for the payment of indebtedness incurred in excess of appropriation made to any city board having control of the improvements and reconstruction of streets and sewers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where, in any city of the first class of this state, the board having control of the improvement and reconstruction of streets and sewers shall heretofore or may hereafter incur any necessary indebtedness to a greater amount than the amount of their appropriation as made by law, by reason of the breakage of

Cities of the first class authorized to provide for the payment of indebtedness incurred in excess of appropriation.

sewers, or other accident, to any public work, then and in every such case the party having control of the finances of said city shall have power to appropriate in any one year a sum not exceeding the sum of thirty-five hundred dollars, for the payment of any such indebtedness exceeding the amount of the appropriation, and the board having control of the finances of said city shall have power to borrow such sum, and shall place the same in the next tax levy.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed and this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXVIII.

An Act to regulate the sale of petroleum and its products.

*Sale of petroleum,
&c., prohibited
under certain reg-
ulations and re-
strictions.*

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter petroleum, or any of the products thereof, may only be sold for use within this state under the following regulations and restrictions, viz.: (a) benzole, gasoline, naphtha and benzine must be sold under their true names respectively, and such names must be plainly shown upon the barrel, can, or vessel in which the same are sold, or offered or exposed for sale, respectively, or upon a label securely fastened thereto; (b) petroleum or kerosene which will inflame at a less temperature than one hundred and fifteen degrees Fahrenheit, fire test, or flash at a less temperature than one hundred degrees Fahrenheit, flash test, must have plainly designated upon the barrel, can or vessel in which the same is sold or offered or exposed for sale, or on a label securely fastened thereto, the number of degrees Fahrenheit.

it, fire test, below which the same will not inflame ; (c) any such product of petroleum as will not flash at a less temperature, or flash test, than one hundred degrees Fahrenheit, or such as will not inflame at a less temperature than one hundred and fifteen degrees Fahrenheit, may be used for lighting or illuminating purposes, except where the same is to be used in street lamps or open-air receptacles, or in gas machines, in which case (as to petroleum or kerosene) there shall be plainly marked on the barrel, can or vessel in which the same is sold or offered or exposed for sale, or on a label securely fastened thereto, the words " not for inside light " ; *provided*, that this act shall not apply to petroleum or its products sold in tanks used for transportation.

2. *And be it enacted*, That if any person shall sell, or offer or expose for sale, for use within this state, except in the manner permitted by this act, any petroleum or product thereof, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or imprisonment at hard labor or otherwise for a term not exceeding one year, or both, and any sale in quantity less than one barrel, shall be presumed to be for use within this state.

3. *And be it enacted*, That the board of health of this state shall, together with the council of analysts appointed by it, determine and declare what shall be the means of ascertaining whether or not petroleum or kerosene, to be sold for lighting or illuminating purposes, is of the character required by this act, and shall notify each local board of health of the same, and publish notice thereof in at least one leading newspaper in each county of the state, and distribute circulars as to the same for common information.

4. *And be it enacted*, That it shall be lawful at any time during business hours for any member of the state board of health, or any analyst or inspector authorized by said board, or for any member of a county, city or township board of health, to visit any place where kerosene or other product of petroleum is on sale, and to secure such quantity thereof as shall be sufficient for testing, at the rate of the usual retail price of said article, and if the same is found to be of such a character as is by this act prohibited from sale for lighting or illuminating purposes gene-

Provided.

Penalty for selling or offering to sell kerosene or petroleum, &c.

State board of health to determine and declare character required by this act.

State board or inspector may visit places and secure quantity for testing, &c.

Persons may be
enjoined.

rally, the person having the same for sale may be enjoined and prohibited by written notice, signed by such member of a board of health, analyst or inspector, and served upon such person, or upon any agent, servant, or employe in charge of said article, from the sale of the same for use within this state for such purposes ; and if thereafter any of the same shall be so sold or offered, or exposed for sale for lighting or illuminating purposes, except as permitted by this act, the person thus selling or offering, or exposing for sale the same, shall be liable to the penalties hereinbefore provided.

Penalty for sell-
ing.

Repealer.

5. *And be it enacted*, That the act entitled "An act to regulate the sale and keeping of inflammable and explosive fluids," approved April twenty-first, anno domini one thousand eight hundred and seventy-six, and all other acts and parts of acts inconsistent herewith, be and the same are hereby repealed.

Approved March 31, 1882.

CHAPTER CLXIX.

An Act authorizing the discharge of executors or trustees in certain cases.

Executor or trustee may apply to court for discharge of performance of trust.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That when any executor or trustee who has entered on the duties of his office, or who shall hereafter enter on the duties of his office, shall desire to be discharged from the performance of any particular trust imposed upon him by the last will and testament under which he is appointed, it shall be lawful for him to apply for such discharge by petition to the prerogative court, when the letters testamentary shall have been issued by the ordinary, or to the orphans' court when let-

ters have been issued by the surrogate ; and upon such application; it shall be lawful for the court, by an order made for that purpose, to grant such discharge and to appoint some other suitable person or persons in the place and stead of the person or persons so discharged ; and such executor or trustee so discharged shall thereupon be relieved and discharged from all further liabilities and duties of his office with respect to the said particular trust, except the accounting for, and paying over, the moneys or assets received by him for such trust, to his successor in office.

Court may discharge and appoint other person or persons.

2. *And be it enacted*, That where there is more than one such executor or trustee appointed by any will, they may all or any one or more of them join in the same application to be discharged.

Executors or trustees may join in application.

3. *And be it enacted*, That the trustee or trustees appointed in the place of the executor or executors, trustee or trustees, who shall be discharged, shall give bond with sufficient sureties, to be approved by the court, for the faithful execution of the trust, in double the amount of the trust fund ; and that thereupon the new trustee or trustees shall have the right to receive, sue for and recover the trust fund from the executor or executors, trustee or trustees, who have been discharged.

Trustee or trustees appointed to give bond.

4. *And be it further enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXX.

A Further Supplement to an act entitled "An act for the better enforcement in Maurice River Cove and Delaware bay of the act entitled 'An act for the preservation of clams and oysters,'" approved April fourteenth, one

thousand eight hundred and forty-six, and of the supplements thereto.

Election to be
legal and binding.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any election purporting to have been held under and by virtue of the provisions of a supplement to said act, approved March eighth, one thousand eight hundred and eighty-two, shall be deemed in all respects as legal and binding as though said election had been held in strict accordance with the requirements of said act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXXI.

A Supplement to an act entitled "An act constituting district courts in certain cities in this state," approved March ninth, one thousand eight hundred and seventy-seven.

Judge authorized
in case of ill-
ness, &c., of clerk
to designate and
appoint clerk,
&c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case of the illness, absence, or disability of the clerk of any district court it shall be lawful for the judge of such court to designate and appoint in writing some fit person to sign the name of the clerk to and to issue any writ or other instrument out of said court during the illness, absence, or disability of the clerk, and any writ or other instrument so signed and issued shall be as valid in law as if signed and issued personally by such clerk.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXXII.

A Further Supplement to an act entitled "An act to incorporate and regulate telegraph companies," approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any telegraph company incorporated under the act to which this is a supplement, desiring to construct its lines by means of underground cables containing the wires, instead of poles and posts sustaining the wires, shall be subject to all the restrictions and provisions concerning the use of roads, highways and streets as are provided in the act to which this is a supplement, and any supplements thereto.

Telegraph companies may construct lines by underground cables subject to restrictions and provisions of act, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXXIII.

An Act authorizing townships to establish the grade of public roads within their limits.

1. BE IT ENACTED *by the Senate and General Assembly of*

Inhabitants to
vote by ballot
for establishment
of grade for pub-
lic roads, &c.

the State of New Jersey, That it shall be lawful for the inhabitants of any township in this state to vote by ballot for the establishment of a grade for their public roads, and if a majority of the voters voting at said election shall vote to establish a grade, said grading, and the expense of establishing the same, shall be paid for out of any money raised for the repairs of highways, and the amount so to be expended, and the road or roads to be graded, shall be determined by the township committee of such township.

Township com-
mittee to es-
tablish by ordi-
nance grades of
public roads, &c.

2. *And be it enacted*, That when the inhabitants of any township shall have at any annual town meeting voted to provide for the establishment of a grade for their public roads, it shall be the duty of the township committee, as soon as convenient, to establish by ordinance the grades of the several public roads in their township, which ordinance shall be entered in full in the township book to be kept for that purpose by the township clerk; and it shall not be lawful, after the same shall have been so established, to alter the grade of any public road so established, except by ordinance, nor shall any such ordinance be passed until the township committee shall have caused notice to be served upon the owners of lots or lands fronting or bordering upon that part of said public road the grade of which is proposed to be altered, stating the time and place when the township committee will proceed to consider the matter, which shall not be less than two weeks from the time of serving such notice; at the time said matter shall come up for the consideration of the township committee, all persons interested may appear and be heard by themselves, or their counsel, for or against the alteration proposed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXXIV.

An Act relating to the opening of by-roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any roads being in public use for thirty years or more and not laid down on the township books on which improved farm or other property is situated, shall, on application of one-third of the owners fronting thereon, to the township committee, be by them ordered to be laid out as a public road of such width as they may deem necessary; and all claims for damages, if any should accrue thereon, to be assessed by three disinterested freeholders, resident of the said township, to be appointed by the township committee, and all damages awarded to be paid for by the township in which said road lies.

Township committee to lay out by roads on application of one-third of owners fronting thereon.

2. *And be it enacted*, That it shall be lawful for the said township committee to order the laying out of said road or roads, within a period not exceeding thirty days after such application shall be made.

When committee to order the laying out of roads.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXXV.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to incorporate the chosen freeholders in the respective counties of this state,' approved April sixteenth, one thousand eight hundred and forty-six," which act was approved March fourteenth, one thousand eight hundred and seventy-nine.

Section amended. 1, BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That section two of the above act, approved March fourteenth, one thousand eight hundred and seventy-six, be amended to read as follows :

County collectors to make out and publish annual statement in the newspapers, &c. 2. And be it enacted, That it shall be the duty of the county collector to make out and cause such annual statement to be published in such newspapers in the county as are designated by the governor and comptroller to publish the laws, together with such other newspapers as in their judgment such board shall designate, within thirty days after the annual meeting of the board, reference being made as nearly as possible to an equal division of the papers representing the two political parties ; and for every neglect so to do, such county collector shall be deemed guilty of a misdemeanor ; and shall, on conviction thereof, be punished by a fine not exceeding fifty dollars ;
 Proviso. provided, this act shall not apply to counties where the annual statement is published in pamphlet form according to law.

2. And be it enacted, That all acts or parts of acts inconsistent herewith are hereby repealed, and that this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXXVI.

An Act defining the duties of clerks of county courts as to the officers' returns of writs.

WHEREAS, the practice in nearly all the counties of this state (there being no act defining the duties of clerks as to it) has been not to record or enter officers' returns to writs, but file them only; therefore, in order to define and make the practice uniform throughout the state,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall not be considered necessary for the clerks aforesaid to record or enter the officer's return (or inventory) to any writ of execution, attachment, or of any other writ, but to file the same only. Officers' returns of writs not to be recorded.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXXVII.

A Supplement to an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourteenth section of an act entitled "An act to authorize the formation of rail-

Section amended.

road corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three, be and the same is hereby amended so as to read as follows:

Companies directed to construct and keep in repair bridges, &c., over, under and across public roads, streets or avenues.

14. *And be it enacted*, That it shall be the duty of any company incorporated under this act, or owning or operating any railroad, or owning any complete or uncompleted right of way for a railroad within this state, to construct and keep in repair good and sufficient bridges and passages over, under and across the said railroad where any public or other road, street or avenue now or hereafter laid shall cross the same, so that public travel on the said road shall not be impeded thereby; *and it is further provided*, that such bridges and passages shall be of such width and character as shall be suitable to the locality in which the same are situated; and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over, under and across the said railroad, and shall also construct and maintain suitable and proper cattle guards at all road crossings; *provided, always*, that in case any such railroad shall cross any streets or highways in any city it shall be either above or below the grade thereof, at such distance as shall not interfere with the free and uninterrupted use of such streets or highways; *provided, further*, that the common council of any city may grant permission to said company to cross such streets or highways at grade if they shall deem it to be to the best interests of said city; *and further provided*, that in the event that such company shall not, within a reasonable time after notification from the common council of the city or committee of the township in which such bridges and passages are to be so constructed or repaired, proceed to construct or repair the same as required by this act, the said common council or committee may proceed to construct or repair such bridges or passages, and when the cost thereof shall have been ascertained the same may be collected of and from said corporation by said common council or township committee by an action at law in any court of competent jurisdiction; *and further provided*, that said council or committee, in the name of the city or township, may institute proceedings against said company to compel the specific performance of the requirements of this act.

Proviso.

Proviso.

Proviso.

Proviso.

Proviso

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXXVIII.

An Act respecting licenses in cities of the first class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council of all incorporated cities of this state having a population of over one hundred thousand as by the last census of the United States, to pass, alter or repeal ordinances or by-laws, to compel the payment of a license fee for each and every car run through or across the streets of any such city of the first class for the purpose of carrying passengers from place to place in any such city of the first class or from one city of the first class to an adjacent city of the first class or town, and to impose such license fee for the purpose of increasing the revenue of any such city of the first class, under the penalties now prescribed by the charter of any such city of the first class for violation of its ordinances; *provided*, that such license fee shall not exceed the sum of ten dollars for each car for each year.

Certain cities may pass, alter or repeal ordinances to compel payment of license fee for cars.

Provide.

2. *And be it enacted*, That this act shall only apply to the car or cars of any company or corporation that shall cause its car or cars to be drawn by a horse or horses, mule or mules or other animal.

Act how to apply.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXXIX.

An Act to authorize the construction of school houses in cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the corporate authorities of the cities of this state, upon request by the board of education, or other body having the charge of the public schools in such city, to purchase lands and to erect school houses thereon, and to furnish the same, from time to time, as the increase of population in any such city may demand; *provided, however*, that the expense incurred in any one instance shall not exceed forty thousand dollars; *provided, further*, that where the charter of any city, or any supplement or supplements thereto provides a limit of annual expenditure for permanent improvements, nothing in this act shall authorize expenditure in excess of such limit.

City authorities authorized to purchase lands and to erect school houses.

Proviso.

Proviso.

Funds for the purchase of lands and erecting buildings how raised and applied.

2. *And be it enacted*, That, to raise the fund for the purposes aforesaid, the corporate authorities of such city shall have power to raise money by temporary loans for a term not exceeding three years; and to meet such loan they shall include in the next annual tax levy one-third, at least, of the amount of such temporary loan, with interest thereon, and in the second succeeding annual tax levy they shall include at least one-third of such amount, with interest thereon, and in the third succeeding tax levy they shall raise any balance unpaid, with interest; and as fast as such moneys shall come into the treasury of such city they shall be applied to pay such temporary loan; and such loan shall be so obtained that it can be paid by instalments, with interest payable semi-annually.

Temporary loan bonds may be issued.

3. *And be it enacted*, That, to secure such temporary loan, the corporate authorities may authorize the issue of temporary loan bonds or scrip, which shall bear such in-

terest as may be agreed upon, not exceeding the legal rate, to an amount not exceeding the expenditure to be incurred in any one instance; *provided, however*, that no bonds shall be issued in excess of ten per centum of the assessed valuation of such city. Proviso.

4. *And be it enacted*, That such temporary bonds or scrip may be taken for the sinking fund of any such city if the authorities having charge of such sinking funds shall so elect, and if such bonds can be so taken it shall be the duty of such authorities to so take them, and the money raised by taxation for payment of the principal and interest shall then be paid into the sinking fund. Temporary bonds issued may be taken for the sinking fund, &c.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXXX.

A Supplement to an act entitled "An act to regulate fees," approved April fifteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several constables of this state shall be entitled to receive from the collector of the county wherein any warrant issues, their lawful fees for serving any criminal warrant that may be issued by any justice of the peace or police justice duly qualified and commissioned as such in any county in this state, whether any such offender be indicted or not for the offence of which he, she or they may have been charged. Fees of constables to be paid by county collector

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and same are hereby repealed. Repealer.

3. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXXXI.

An Act to enable cities to provide additional school accommodations, where the same are necessary, and to borrow money for the purpose.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if, in the judgment of any board of education of any city in this state or other body having control of the public schools in any city of this state, it shall at any time be deemed necessary and expedient to provide additional school accommodations in such city for the benefit of those entitled to attend the public schools in such city, it shall be lawful for the mayor and common council or other governing body in such city to authorize money to be borrowed for the purpose of purchasing land and the erection of suitable school buildings and providing such school buildings with suitable school appliances and conveniences and to secure the payment of the money borrowed as aforesaid by mortgage bearing annual interest at a per cent. not greater than the legal rate on the land purchased and the building or buildings to be erected thereon in pursuance of this act; or if the city own suitable land, rendering a purchase of land unnecessary, on such land and the building or buildings to be erected thereon; and in case the title to lands on which public school buildings are now erected in any city is vested by law in a board of education or other body having control of the public schools in such city, such board of education or other body having control of the public schools in such city, and not the mayor and com-

Corporate authorities of cities empowered to borrow money for the purchase of land and erection of school buildings.

mon council or other governing body of such city, shall have the power to borrow money as aforesaid, and to secure the payment of the same by mortgage as aforesaid; *provided*, that not more than one school building with the necessary appliances and conveniences shall be authorized to be erected in any city in any one year in pursuance of the powers conferred by this act. Proviso.

2. *And be it enacted*, That any mortgage to be given in pursuance of this act shall be payable in less than ten years from the time of giving the same except at the option of the city, board of education or other body giving the same, who are authorized to renew such mortgage; and money to pay the annual interest accruing on any such mortgage shall be raised in the same manner as the money to pay the current expenses of the public schools is raised in the city in which, the property on which such mortgage shall be given, is situate; and money may be raised for a sinking fund to pay such mortgage in the same manner: *provided, however*, that nothing in this act shall be held to permit the authorities of any city in this state to exceed any limit of expenditures for such purposes now fixed by any city charter or any supplement thereto, nor to exceed the limit of indebtedness fixed by any such charter. Mortgage given payable in less than ten years.
Annual interest how raised.
Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXXXII.

An Act concerning cities in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state,

Appointment of
members of board
of finance by
whom made.

Proviso.

Act not to affect
term of present
incumbents.

Vacancies how
filled.

Repealer.

where the general management and care of the finances of said city are now, or shall hereafter be, committed to a board, the members of which are not elected by the people of said city, the members of said board shall hereafter be appointed by the mayor of said city, who shall, at least three weeks prior to the expiration of the official term of any member of such board appoint his successor; *provided, however*, that not more than a majority of such board shall at any time be members of one political party.

2. *And be it enacted*, That this act shall not affect the term of present incumbents in any such board.

3. *And be it enacted*, That if a vacancy shall occur in any such board from other cause than the expiration of the term of the incumbent, the mayor of such city shall appoint a person to fill such vacancy for the unexpired term only.

4. *And be it enacted*, That all acts and parts of acts, general, public, special and local, inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXXXIII.

A Further Supplement to an act entitled "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five.

When certificate
contains pro-
vision that board
of directors have
power to levy as-
sessments, no
action of stock-
holders necessary.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That whenever the certificate provided for in section ten of the act to which this is a supplement shall contain a provision (which is hereby authorized to be inserted therein in reference to any company conducting mining operations as a part of its business,

that may be formed under the act to which this is a supplement), that the board of directors shall have full power to levy assessments on general stockholders until the stock of such stockholders shall be fully paid up; that then and in every such case no action of the stockholders of such company shall be necessary in order to impose, levy and collect such assessments.

2. *And be it enacted*, That any stock issued for property purchased under section fifty-five of the act to which this is a supplement, may, by a vote of the board of directors, whenever the certificate of incorporation shall authorize the exercise of such power, contain a provision guaranteeing a minimum yearly dividend payable thereon, but only out of the actual profits of the business of the company; *provided*, that such provision shall not contain a guarantee of any larger dividend than is authorized to be paid on preferred stock of such company; such guaranteed dividend to be paid before any dividend paid on the general stock of said company not containing any such provision; the holder of such guaranteed stock shall be entitled to participate equally with the other holders of general stock in the profits arising out of the business of the company, and receive full dividends whenever the annual dividend or the sum of dividends in any year, upon the entire capital stock of said company, shall exceed the dividend named in such guarantee; the holders of such guaranteed stock shall have all the rights of holders of the general stock of such company, including the right to vote and receive dividends thereon.

Stock issued for property purchased may contain provision guaranteeing a dividend, &c.

Proviso.

3. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXXXV.

A Supplement to the act entitled, "An act providing for the adoption of children," approved March ninth, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of the act to which this is a supplement be amended so as to read as follows :

Petition to be
filed and court to
appoint day for
hearing.

3. *And be it enacted*, That upon the presentation of such petition to the court, the same shall be ordered filed with the clerk of said court, and the court shall appoint a day for the hearing of said petition and the examination under oath of the parties in interest, not less than ten nor more than thirty days from the filing of the petition ; and it shall be at the option of the court to adjourn the hearing of said petition or the examination of the parties in interest from time to time, as the nature of the case may require ; and if it shall be necessary under the provisions of this act that a discreet and suitable person shall be appointed as next friend to the child or children sought to be adopted, then, and in that case, the court shall order

Notice of petition
and time and
place of hearing
to be published.

a notice of the petition, and of the time and place when and where the appointment of next friend will be made, to be published in two newspapers circulating in the county where said court is located, once a week for three weeks successively ; and at the time and place so assigned,

Court empowered
to make appoint-
ment.

and upon due proof of the publication of such notice, the court shall make such appointment, and shall thereupon assign a day for the hearing of said petition and examination of the parties in interest, not less than ten nor more than thirty days from the time of appointing the next friend ; and upon the day so appointed, the court shall proceed to a full hearing of the petition and the examination of the parties in interest, under oath, with the right

as aforesaid, of adjourning the hearing and examination from time to time as the nature of the case may require; and if the court, from the testimony, shall be of the opinion that the facts stated in the petition are true, and if, upon examination, the court is satisfied that the petitioner or petitioners is or are of good moral character and of reputable standing in the community, and of ability to properly maintain and educate the child or children sought to be adopted, having reference to the degree and condition in life of the child or children's parents, and *furthermore*, that the best interests of the child or children would be promoted by such adoption, then and in such a case the court shall make a decree reciting the facts at length, and the name or names by which the child or children shall thereafter be known, declaring and adjudging that from the date of such decree, the rights, duties, privileges and relations theretofore existing between the child or children and his or their parent or parents shall be in all respects at an end, excepting the right of inheritance; and *further*, that the rights, duties, privileges and relations between the child or children and his, her or their parent or parents by adoption, shall thenceforth in all respects be the same, including the right of inheritance, as if the child or children had been born to such adopted parent or parents in lawful wedlock, except only as otherwise provided in this act; *provided, however*, that the said court may, if they shall deem it for the interest of said child or children, to omit to make the said order for a notice of the petition and of the time and place when and where the appointment of next friend will be made, and may immediately appoint a next friend for said child or children, and assign a day for the hearing of said petition and examination of the parties in interest as is herein provided; and *provided*, also that this act shall not affect any suit or proceedings under said act now pending in any court of the state.

Proviso.

Proviso.

2. *And be it enacted*, That it shall not be necessary to record the testimony taken upon the hearing of said petition in any case when the same shall have been given orally before the court or without subscription by the witnesses sworn.

Testimony not to be recorded.

3. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act, be and the

Repealer.

same are hereby repealed, and that this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXXXVI.

An Act to authorize the compromising or settling by arbitration of any tax or assessment laid by any public road board in this state.

Public road
boards authorized
to compound, ad-
just and compro-
mise taxes or as-
sessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any public road board established in this state, by majority vote of the members thereof, to compound, adjust and compromise any tax or taxes, assessment or assessments that may have been or may hereafter be laid or imposed by virtue of the powers conferred by any act or acts, under which such public road board may have been organized or created or is now acting, or which may authorize the laying out, opening, widening or straightening of any public road, street or avenue by any public road board in this state, with the owner or owners, mortgagee or mortgagees of any lands and real estate which may have been or may hereafter be taxed or assessed for benefits for any such improvements, openings, widenings or straightenings, and to acquit and discharge the lands and real estate of any such owner or owners, mortgagee or mortgagees from the lien of any such tax or assessment upon the payment of the sum or sums agreed upon in such manner and at such time as may be mutually arranged and signified by writing.

2. *And be it enacted*, That in case of an application by any owner or owners, mortgagee or mortgagees for a compromise and adjustment with any public road board in

this state under the provisions of the first section of this act of any tax or taxes, assessment or assessments laid or imposed as in said section stated or for the cause therein stated, and of the failure of agreement between such board and the applicant or applicants, or the neglect or refusal of such board to act upon any such application within a reasonable time after the reception thereof, then, and in that case, it shall and may be lawful, upon ten days' notice to such board, left with the president thereof, for such owner or owners, mortgagee or mortgagees so applying, to apply by petition, duly verified, to such justice of the supreme court of this state as shall hold the circuit court of the county in which the land and real estate, or any part of it, may lay, reciting in such petition the fact of application to such board and their failure to agree with the petitioner, or their neglect or refusal to act within a reasonable time, for the appointment of three disinterested freeholders as arbitrators, to settle and adjust the matter in difference between the petitioner or petitioners and such board, relative to such tax or taxes, assessment or assessments.

In case of application of owner or mortgagee for compromise, &c., and failure of agreement or neglect or refusal of board to act, applicant may apply to justice of supreme court for appointment of arbitrators.

3. *And be it enacted*, That in case it shall appear to such supreme court justice that the facts recited in the petition are true, then, and in that case, he may in his discretion if he shall deem it a proper case for arbitration, to appoint such arbitrators as aforesaid, who, when appointed, shall, before entering upon their duties, subscribe before the clerk of the county, or a judge of the court of common pleas, an oath for the faithful performance of their duties and the trust reposed in them as arbitrators in the matter in difference between the petitioner and such board, as is recited in the petitioner's petition, and shall within ten days after their appointment and subscribing of the oath, view the land and real estate upon which the tax or taxes, assessment or assessments is laid or imposed, and after such view, shall notify all parties in interest, of the time and place when they will sit and hear all parties or their witnesses in relation to the matters referred to them; and shall, after hearing all parties and witnesses, and taking into consideration all taxes, assessments and impositions, of every nature whatsoever, and of the value of the land and real estate in proportion to the taxes and assessments against the same, proceed to fix and adjust a specific

Justice of supreme court may appoint arbitrators.

Arbitrators to take oath.

Duties of.

sum or amount to be paid by the owner or owners, mortgagee or mortgagees, so petitioning, in full settlement and discharge of the tax or taxes, assessment or assessments, levied or imposed by any such public road board, under any laws of the nature, or for the purpose in the first section hereof referred to, against or upon the land and real estate particularly mentioned and described in the petition under which said arbitrators were appointed; *provided, however*, that the provisions of this act shall not apply to cases where land and real estate has been sold for taxes or assessments, and bought therefor by a bona fide purchaser, other than such public road board or its representative.

Proviso.

Arbitrators to make report to justice of supreme court.

Report to be filed.

Compensation of arbitrators how paid.

4. *And be it enacted*, That said arbitrators shall proceed to the performance of their duties with all reasonable dispatch, and shall make up and present their final report in writing to the justice of the supreme court appointing them, within sixty days after the date of their appointment, which shall be signed by at least a majority of them, and which, when presented, shall be ordered filed with the clerk of the county, there to remain of record; and upon the service of a certified copy of such finding and report of the arbitrators upon and tender of the amount named therein to such public road board, together with interest at legal rate from the date of filing the arbitrators' report, the president, treasurer or collector thereof shall receipt said tax or taxes, assessment or assessments against such land and real estate in full, and give a release and acquittance of the same from the lien of any such tax or taxes, assessment or assessments, and all past due interest, costs or penalties thereon, and said land and real estate shall by operation thereof be freed, released and discharged from the lien and encumbrance thereof; the arbitrators shall be paid by either or both parties as the court directs, but not to exceed five dollars each for each sitting, beside the view, and for not more than five sittings in all.

5. *And be it enacted*, That all acts inconsistent with this act shall be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXXXVII.

A bill providing for the founding of a state institution for the instruction and maintenance of indigent deaf mutes, to be known as "The State Institution for the Deaf and Dumb."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the property lately used as a home for soldiers' children shall be taken and set apart to be used as an institution for the maintenance and instruction by the state of its indigent deaf and dumb.

Property set apart for institution for deaf and dumb.

2. *And be it enacted*, That said institution shall be under the control and management of a board of eleven trustees, consisting of the governor, the comptroller, the state superintendent of public instruction, and the following named citizens of this state : Richard L. Howell, Alexander V. Manning, Henderson G. Scudder, Theodore W. Morris, John T. Bird, Thomas T. Kinney, Henry B. Crosby, Marcus Beach.

Who to constitute board of trustees.

3. *And be it enacted*, That the said trustees other than the governor, comptroller, and state superintendent of public instruction, shall, within thirty days after the approval of this act, divide themselves into four classes, to serve one, two, three, and four years, respectively, and upon the expiration of their several terms of office, their successors shall be appointed by the governor, by and with the advice and consent of the senate, to serve four years from the date of their appointment ; and every year thereafter two trustees in the said board shall, in the same manner, be appointed to fill the places of those whose terms shall have expired, and vacancies which may occur from death and resignation shall be filled by the governor for the remainder of the unexpired term.

Trustees to meet and divide themselves into classes.

Trustees how appointed and terms of office.

4. *And be it enacted*, That the sum of fifteen thousand dollars be and is hereby appropriated, to be expended under the direction of the trustees in the needed alterations of the buildings and the furnishing of the same in a suitable manner for the reception of pupils.

Vacancies how filled.

Amount appropriated for alterations of building, &c.

When board of trustees to admit persons.

5. *And be it enacted*, That when the buildings are completed and furnished and ready for occupancy, the board of trustees may proceed to admit such persons therein as hereinafter is provided.

Indigent deaf and dumb persons residents of this state to be entitled to privileges of school, &c

PROVISO.

6. *And be it enacted*, That indigent deaf and dumb persons of suitable age and capacity for instruction, who are legal residents of this state, shall be entitled to the privilege of the school, without charge, and for such a period of time in each individual case as may be deemed expedient by the board of trustees; *provided*, that whenever more persons apply for admission at one time than can be properly accommodated in the said school, the trustees shall so apportion the number received, that each county may be represented, in the ratio of its deaf and dumb population to the total population of such persons in the state; application for admission into the said school shall be made to the board of trustees in such manner as they may direct, but the board shall require each application to be accompanied by a certificate from a county judge or county clerk of the county, or the chosen freeholder, or clerk of the township, or the mayor of the city where the applicant resides, setting forth the applicant is a legal resident of the town, township or city, county and state, claimed as his or her residence, and the age, circumstances and capacity of such pupil, and the ability or inability of the parent or guardian of such pupil to pay any part of the expense of tuition, care and maintenance of the person in whose behalf such application may be made; the primary object of the school shall be to furnish to the indigent deaf and dumb children of this state the best known facilities for the enjoyment of such a share of the benefits of the system of free public education established in this state as their afflicted condition will admit of; the board of trustees shall have charge of all the affairs of the school, with power to make such by-laws and regulations for the government and the proper management thereof, as well as for the admission of pupils, as shall be approved by the state board of education; they shall elect from their own number a president, treasurer and secretary, together with such standing committees as they may deem necessary; the treasurer shall have the custody of all the funds of the said school, and pay out the same only on proper authenticated orders

of the board, or its executive committee ; before entering upon the duties of his office he shall give bond, with at least two sureties to be approved as hereinafter stated, to the people of the state of New Jersey, in the penal sum of ten thousand dollars conditioned for the faithful discharge of his trust, which bond shall be approved by the board of trustees of this state, and deposited in the office of the secretary of state ; the board of trustees shall have power to appoint a competent and experienced superintendent, who shall be the chief executive officer of the school, together with an efficient corps of teachers and subordinate officers, prescribe the duties and terms of service of the same, fix and pay their salaries, and for just cause remove any or all of them ; they shall likewise employ the requisite number of servants and other assistants in the various departments of the school, and pay the wages of the same, and they shall purchase all furniture, school books, school apparatus, and other supplies necessary to the equipment and carrying on of the same, and in the manner hereinafter described.

7. *And be it enacted*, That the trustees of said institution shall receive no compensation for their services, except in the case of the treasurer, who may be fairly compensated at the discretion of the board, but they shall be paid all necessary expenses incurred by them in the discharge of their duties, to be paid by the treasurer of said board of trustees on the order of the governor.

Trustees to receive no compensation.

8. *And be it enacted*, That any person not under five years nor more than twenty-one years of age, may be entitled to the benefits of this act, and that the term of instruction shall be three years, but may be extended to five years by a vote of a majority of the whole board of trustees.

Who entitled to benefit of this act and term of instruction.

9. *And be it enacted*, That whenever the board of trustees shall be satisfied that the resources of any person applying for the benefits of this act, or those of his or their parents or guardians, are sufficient to defray a part of the expense of instructing and maintaining such person, but not sufficient to defray the whole expense, then the board of trustees may cause to be paid such proportion as to them may seem just and equitable, of the annual expense of educating such person.

When board of trustees may cause to be paid proportion of expense of educating person, &c.

10. *And be it enacted*, That all improvements, additions and repairs to the buildings to be used for the purposes of

Superintendent to invite proposals for the improvement, additions and repair to buildings and furnishing and supplying same with provisions, &c.

Inviting of proposals to be advertised.

Contract to be awarded to the lowest bidder.

Board of trustees may reject bids.

Trustees to make return or statement to governor, &c.

Estimate of amount of money needed to be made to the governor, &c.

this act, together with the furnishing of the same, shall be by contract, after due notice is given and specifications furnished, and that it shall be the duty of the superintendent, under the direction of the board of trustees, to invite proposals twice in each year, at intervals of six months, for supplying the institution with dry goods, wearing apparel, groceries, provisions, vegetables, fuel, illuminating material, and all other articles, the necessity of which it is practicable to determine as being needed for the ensuing six months; the standard of quality of which shall be determined by the board, and standard sample grades of non-perishable articles shall be kept in the office of the superintendent, for the inspection of bidders; the inviting of proposals shall be advertised ten consecutive days in two daily newspapers published in the city of Trenton, and which advertisement shall classify the articles which shall be grouped in each bid, and also state, as near as practicable, the amount and quantity needed, and that said goods are to be delivered during the ensuing six months, as wanted, on the order of the superintendent; and it shall be the duty of the board to award the contract to the lowest average bidder on each class or group of articles advertised for, and to require the contractors to enter into suitable bonds for the faithful performance of the same; it is further provided that the board of trustees reserve the right to reject any or all bids not considered to be to the interest of the state.

11. *And be it enacted*, That during the first twelve months after the opening of the school, the trustees shall make a quarterly return or statement to the governor, of all expenses incurred for salaries, maintenance, tuition, and other items of current expense, and the amount of the same, on the approval of the governor, shall be paid by the treasurer, on the warrant of the comptroller, out of any moneys not otherwise appropriated; and at the close of the last quarter of the twelve months following the opening of the school, and on the first of each succeeding quarter thereafter, the trustees shall present to the governor an estimate of the amount of money needed to meet the current expenses for the next quarter, and that such expense shall not exceed an amount equal to fifty-six dollars for each pupil, and on the approval of the governor

said amount shall be paid by the treasurer, on the warrant of the comptroller.

12. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXXXVIII.

An Act for the support of the State Reform School for Boys.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That to enable the trustees of the State Reform School for Boys to defray the necessary expenses for the maintenance of said school, and for the erection of an additional family house, the sum of six thousand dollars is hereby appropriated, which the treasurer of the state is hereby directed to pay to the order of the trustees upon the warrant of the comptroller.

Amount appropriated for support of school, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXXXIX.

An Act to provide for the appointment of commissioners to determine upon plans for the storage of any of the waters of this state for the purpose of furnishing to cities and towns a joint water supply,

Governor to appoint commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be appointed by the Governor four commissioners for the purposes hereinafter named, who shall serve without pay, and whose expenses shall be paid as hereinafter set forth.

Commissioners to meet, organize and choose a fifth commissioner, &c.

2. *And be it enacted*, That said four commissioners shall, after appointment, immediately organize as a commission, select officers, and shall choose a fifth commissioner, who shall be an hydraulic engineer and who shall serve with said commissioners and be one of them, and he shall be entitled to pay, for each day of actual service, in such compensation as shall be agreed upon between said four commissioners and himself at the time of his selection by them.

Commissioners to consider and determine upon plan for storage of water.

3. *And be it enacted*, That said commissioners when applied to as hereinafter set forth, shall consider and determine upon such plans as they may deem most practicable for the storage of any of the waters of this state for the purpose of furnishing any of the cities and towns of this state with a good and sufficient water supply.

Authorities of cities and towns may apply to commissioners to consider and determine upon plan for joint supply of water, &c.

Expenses by whom paid.

4. *And be it enacted*, That it shall be lawful for the board of aldermen or other governing body of any cities or towns in this state, to apply to said commissioners to consider and determine upon the best practicable plan for supplying said cities and towns with a joint water supply, and the expenses of said commission in determining upon the same shall be borne and paid jointly by the said cities and towns so applying, in proportion to the number of inhabitants of each of said cities and towns as shown by the last United States census; said commissioners

shall from time to time, or when applied to therefor by any board of aldermen or other governing body of any of said cities and towns, make a statement in writing of their expenses in and about their said work, and shall proportion the same to the several cities and towns in the manner as aforesaid; said statement shall be certified to by the president and secretary of said commission, and upon presentation of the same to the said board of aldermen, or other governing body, it shall be lawful for and be the duty of said board of aldermen, or other governing body, to pay the same out of any moneys or funds from which the contingent expenses of any such cities or towns are generally paid.

Statement of expenses to be made, &c.

5. *And be it enacted*, That said commissioners shall be empowered to engage engineers and such other assistants as they may deem necessary for the prosecution of their work, and make surveys, plans and estimates, of the best practicable source, means, manner and the expense attendant thereon, for furnishing any such cities and towns with a joint water supply, and they shall submit the same to each of the boards of aldermen, or other governing body of such cities and towns so applying to them, and said board of aldermen, or other governing body shall submit said survey, plans and estimates, to the municipal board in said city or town controlling the supply and distribution of water, and if said board of aldermen, or other governing body, and said board controlling the supply and distribution of water concur in the acceptance of any of the surveys, plans and estimates, submitted by the said commissioners, the said board of aldermen, or other governing body, shall cause said acceptance to be signified to said commissioners in writing, who shall upon receiving the acceptances of a majority of the boards of aldermen, or other governing bodies of such cities and towns, cause a bill to be drawn embodying their recommendations, and shall present the same for passage to the legislature of this state at its next session; and said commissioners shall give due notice by publication, as required by law, of their intention to apply to the legislature for the passage of such bill.

Commissioners empowered to engage engineers and make surveys, plans and estimates, &c.

Plans, &c., to be submitted.

When plans are accepted to cause a bill to be drawn and present the same for passage to the legislature.

Notice of intention to be published.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CXC.

An Act for the relief of the heirs of Benjamin F. Young deceased.

Preamble.

WHEREAS, Benjamin F. Young, second lieutenant of company F, sixth regiment, national guards of the state of New Jersey, while in actual service of the state at what was known as the railroad riots, in the year one thousand eight hundred and seventy-seven, contracted a disease of which he died ; and *whereas*, said Benjamin F. Young has left a widow and two minor children in indigent circumstances,

Pension to be paid in quarterly payments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there be paid to the heirs of said Benjamin F. Young, as aforesaid, in quarterly payments from the treasury of the state, the same pension they would have been entitled to receive under the law of this state if he had been killed in actual service ; that the adjutant general shall certify the service, the death, and the pension to the comptroller of the treasury, and the comptroller shall audit the same, and the treasurer shall pay the same, and the pension shall commence from the date on which said Benjamin F. Young died, and as soon as a guardian shall be appointed by the courts of this state for said minor children.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

JOINT RESOLUTIONS.

JOINT RESOLUTIONS.

NUMBER I.

WHEREAS, There are necessary improvements required in the Delaware river between the city of Trenton and the sea to improve the navigation of said river, and the citizens of New Jersey and Pennsylvania are petitioning congress to make an appropriation for the same ; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the senators and representatives in congress from this state be requested to use all honorable means to secure such appropriation as shall be necessary for the above purpose.

2. *And be it resolved*, That after this joint resolution shall have been approved by the governor, copies of the same shall be sent to our senators and representatives in congress.

Approved March 3, 1882.

NUMBER II.

Joint Resolution authorizing the purchase of an oil portrait of the late president of the United States, James A. Garfield.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners of the state library be authorized to contract for and purchase an oil portrait of James A. Garfield, late president of the United States, to be placed in the assembly chamber ; and on the requisition of the said commissioners for the cost of the same, the comptroller is directed to draw his warrant for the amount, and the treasurer authorized to pay the said warrant.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved March 22, 1882.

NUMBER III.

Joint Resolution in reference to securing and preserving Temple Farm and the Moore House, at Yorktown, Virginia.

WHEREAS, The Moore House, and Temple Farm, upon which it is situated, will carry with them through all time the memories of the siege and victory, by which the allied armies of France and the American colonies secured our nation's independence; *and, whereas*, during the recent centennial celebration of the event by the citizens and representatives of the republic of France and the United States of America, the hope was expressed by the descendants of the officers of both France and America, who commanded on the field in one thousand seven hundred and eighty-one, that the farm and house should be preserved and perpetuated as a memorial of the friendly alliance which then and ever since has existed between the people of the two nations, as well as in respect to the memories of those who fell in or survived the struggle that ended the protracted war and gave peace and hope to a then impoverished people; *and, whereas*, it is stated, the property can at this time be secured for a nominal sum, and that the product of the farm will probably be ample to preserve and keep the buildings in repair, and which are so located as to be well adapted for government purposes on occasion of naval inspections and reviews on York river; *and, whereas*, the sentiment expressed by representatives of the French republic and descendants of French officers, who commanded on the field at Yorktown, during their recent visit to participate in the centennial celebration, in conjunction with the descendants of the colonial officers, was that this government should take charge of and preserve and perpetuate the

property ; and, believing this to be also the sentiment of the American people in general ; therefore,

1. *BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey*, That the United States senators from the state of New Jersey be, and they are hereby instructed, and the representatives in congress, requested to prepare and support a bill for the purchase of the Temple Farm and Moore House, at Yorktown, Virginia, by the government of the United States of America, provided the cost of the said farm and all improvements shall not exceed twenty-five thousand dollars, and that the state of Virginia shall exempt the same from taxation.

2. *And be it resolved*, That engrossed copies of this preamble and joint resolution be sent to the United States senators and representatives in congress from the state of New Jersey.

Approved March 22, 1882.

NUMBER IV.

Joint Resolution to provide for the care of the geological collection and military relics of the state.

WHEREAS, The valuable collection of specimens of minerals of this state, and other articles belonging to the geological department, prepared for the international exposition at Philadelphia, in the year one thousand eight hundred and seventy-six, is now deposited in a room in the state house at Trenton, known as the geological museum; and, *whereas*, the said room also contains prepared specimens of the several native woods of the state, specimens of the clay deposits and many other objects of scientific interest, as well as the flags borne by the New Jersey regiments in the late civil war, and other military relics, all of which are objects of attraction and interest to the people of this state, and should be carefully preserved and at all proper times open to the inspection of the people of this as well as other states; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the care of the said collection of scientific objects and military relics be confided to the governor and quartermaster general of this state and the state geologist, who shall have power and authority to receive as gifts, or procure by exchange, such further specimens of the mineral wealth, or the productions of this state, as will in their judgment add to the value and public interest of the said collection.

2. *And be it resolved*, That the room in which the said specimens and relics are preserved, shall be open to the public at such times as the above-named officers shall prescribe, and the said officers shall have authority to employ a suitable person, to care for the said room, and to attend therein at such times as they shall prescribe; and the compensation of the said attendant, and such other

expenses as may be incurred in the care of the said room and collection, shall be determined by the said officers, and paid in monthly payments by the state treasurer on the warrant of the comptroller; *provided*, that the said compensation and expense shall not exceed six hundred dollars per annum.

3. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved March 22, 1882.

NUMBER V.

Joint Resolution relative to the exemption of steamers landing upon the New Jersey side of the port of New York from the operations of an act of congress approved June fifteenth, one thousand eight hundred and seventy-eight.

WHEREAS, an act of congress was approved June fifteenth, one thousand eight hundred and seventy-eight, for the erection of a barge office at Castle Garden, in the city of New York, for the landing of passengers and baggage arriving by European steamers; *and, whereas*, ample accommodations now exist upon the New Jersey side of the port of New York for the landing of passengers and baggage arriving at Jersey City and Hoboken; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our senators and representatives in congress be requested to confer with the secretary of the navy, and endeavor to obtain from him, in behalf of all steamers now landing upon the New Jersey side of the port of New York, an exemption from the

operations of said barge act, whereby the landing of passengers and baggage may continue upon their own docks as at present.

2. *And be it resolved*, That a certified copy of these resolutions be forwarded to each of our senators and representatives at Washington.

Approved March 22, 1882.

NUMBER VI.

Joint Resolution in relation to purchasing a picture of Camp Ludlow.

WHEREAS, The citizens of New Jersey will always have reason to remember with pride the New Jersey Battalion who represented this state so creditably at the Yorktown centennial celebration; and, *whereas*, it is desirous that some fitting memorial of Camp Ludlow, before Yorktown, should become the property of the state; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state is hereby authorized to purchase a picture of Camp Ludlow, to be placed in the executive chamber, at a cost not to exceed two hundred dollars.

Approved March 31, 1882.

NUMBER VII.

Joint Resolution in relation to the national conference of charities and corrections.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor of the state is hereby authorized and requested to appoint one delegate each from among the officers, or board of inspectors, or trustees of the state prison, the state reform schools, and lunatic asylums, to attend and represent this state at the next meeting of the national conference of charities and corrections, which is to be held at Madison, Wisconsin, in August next, and that the actual traveling expenses of such delegates in attending said conference shall be paid from the treasury of the state upon the order of the governor.

Approved March 31, 1882.

PROCLAMATIONS.



PROCLAMATIONS

BY G. C. LUDLOW, GOVERNOR OF NEW JERSEY.

PROCLAMATION BY THE GOVERNOR.

STATE OF NEW JERSEY,)
EXECUTIVE DEPARTMENT.)

WHEREAS, The Nation is threatened with the calamity of the death of our Chief Magistrate, and in deference to the undoubted and laudable desire on the part of the people of this State that appeal should be made to Almighty God for the interposition of His power and mercy in this our distress; now therefore,

I, GEORGE C. LUDLOW, Governor of the State of New Jersey, do hereby earnestly recommend to the people of this State that they abstain from secular business and meet in their usual places of public worship on THURSDAY, THE EIGHTH DAY OF SEPTEMBER, INSTANT, between the hours of 10 A. M. and 12 M., and unite in prayer and supplication to Almighty God for the restoration to health of the President of the United States.

Given under my hand and privy seal, at
[L.S.] Trenton, this fifth day of September, anno
domini eighteen hundred and eighty-one.

G. C. LUDLOW, *Governor.*

Attest :

Jos. L. NAAR, *Private Secretary.*

PROCLAMATION BY THE GOVERNOR.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT. }

The deplorable event against whose coming the people of this country have so earnestly hoped has reached us. James A. Garfield, the President of the United States, is dead.

He died, not as have so many of his predecessors in the fullness of years, with his labors completed, but at the very threshold of the proudest era of his life, in the prime of his manhood, and at the hands of an assassin, who struck but to gratify the basest personal malice and the most despicable personal hopes.

Such a death is a national calamity, and must cause universal grief.

In detestation of the crime; in admiration of the heroism with which the stricken President met his fate; in the earnest hope that the Ruler of the Universe may, in his goodness and mercy, avert from us any repetition of so terrible a misfortune, and in manifestation of the sorrow which now fills all hearts—

I, GEORGE C. LUDLOW, Governor of the State of New Jersey, do hereby recommend that the people of this State do observe MONDAY, THE TWENTY-SIXTH OF SEPTEMBER, INSTANT, the day appointed for the obsequies of the late President of the United States, by draping the public buildings in mourning; by the closing of places of business throughout the day, and by the assembling for prayer and other appropriate religious services, in their usual places of worship at the hour of eleven o'clock in the forenoon of that day.

Given under my hand and privy seal, at Trenton, this twenty-first day of September, A. D. 1881.

G. C. LUDLOW, *Governor.*

Attest :

JOS. L. NAAR, *Private Secretary.*

PROCLAMATION BY THE GOVERNOR.

STATE OF NEW JERSEY,)
EXECUTIVE DEPARTMENT.)

A retrospect of the events of the past year shows much of protecting mercy and beneficent grace for which we, as a people, should be grateful to Almighty God. Peace and prosperity have prevailed within our borders and pestilence has been kept aloof.

In accordance, therefore, with the custom established among us, I, GEORGE C. LUDLOW, Governor of the State of New Jersey, do hereby appoint THURSDAY, THE TWENTY-FOURTH DAY OF NOVEMBER, instant, as a day of public thanksgiving and praise throughout this State, whereon we may offer to the Ruler of the Universe our acknowledgment of the many blessings bestowed upon us and our supplications for a continuance of His favor and mercy.

[L. S.] Given under my hand and privy seal, at Trenton, this ninth day of November, Anno Domini, one thousand eight hundred and eighty-one.

GEO. C. LUDLOW, *Governor.*

Attest :

JOS. L. NAAR, *Private Secretary.*

PROCLAMATION BY THE GOVERNOR.

WHEREAS, Charles G. Bruemmer, who was duly declared to have been elected at the last general election a member of the next General Assembly of this State, in the Eighth Assembly District of the County of Essex, died on the twelfth day of December instant, whereby a vacancy has occurred in the representation of said County of Essex in said General Assembly.

Therefore, I, GEORGE C. LUDLOW, Governor of the State of New Jersey, by requirement of law, do hereby issue this, my Proclamation, commanding and requiring that an election be held according to law, in the said Eighth Assembly District of the said County of Essex, on TUESDAY, THE THIRD DAY OF JANUARY next ensuing the date hereof, for the purpose of electing a member of the General Assembly of this State to fill the said vacancy occasioned by the death of said Charles G. Bruemmer.

[L.S.] Given under my hand and the great seal of the State of New Jersey, at Trenton, this fourteenth day of December, in the year of our Lord, one thousand eight hundred and eighty-one, and of the Independence of the United States the one hundred and sixth.

G. C. LUDLOW.

By the Governor,
HENRY C. KELSEY, *Secretary of State.*

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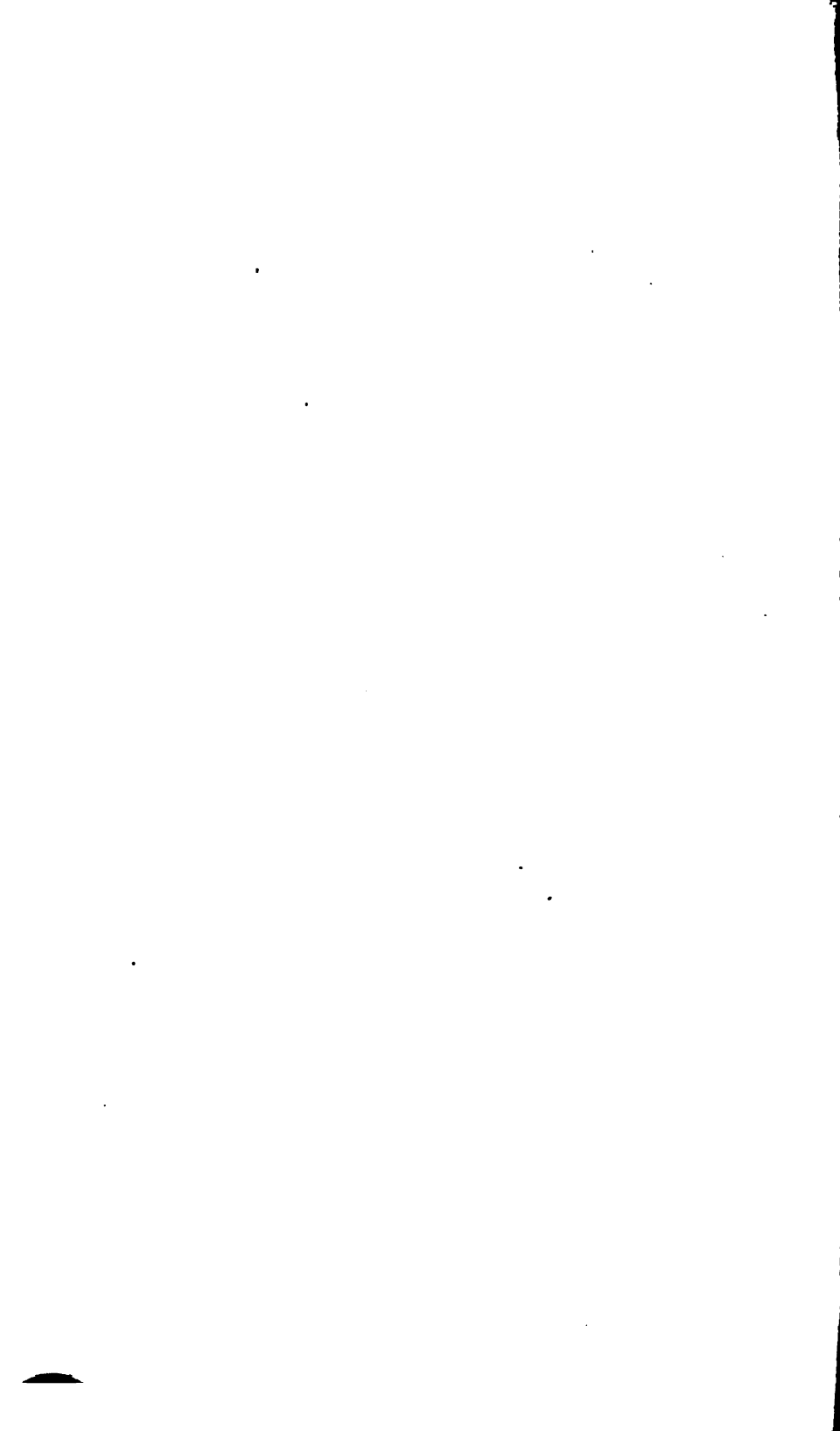
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SPECIAL PUBLIC ACTS.

SPECIAL PUBLIC ACTS

PASSED BY THE

ONE HUNDRED AND SIXTH LEGISLATURE.

CHAPTER VI.

An Act to set off from the township of Lawrence, in the county of Mercer, a new township, to be called the township of Millham.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the town-^{New township}ship of Lawrence, in the county of Mercer, lying within the following bounds, that is to say: Beginning at a point^{Boundaries.} in the centre of the Assanpink creek where the easterly line of the city of Trenton strikes the same, said point being a corner between the city of Trenton and the township of Lawrence, and running thence easterly along the centre of said creek, the several courses thereof, and on the line between the township of Lawrence and the township of Hamilton to the point where the easterly line of lands of the Enterprise Land Association strikes the same; thence northwesterly in a straight line along the easterly line of said Enterprise Land Association to the centre of the Brunswick turnpike road; thence westerly along the centre of said road to the line of Ewing township; thence southerly along the line between the township of Ewing and the township of Lawrence to the centre of the Delaware and Raritan canal; thence westerly along

the centre of the Delaware and Raritan canal to the point where the line between the city of Trenton and the township of Lawrence intersects the same; thence southeasterly along the line between the city of Trenton and the township of Lawrence to the centre of the Assanpink creek and the place of beginning, shall be and hereby is set off from the said township of Lawrence and made a separate township, to be called and known as the township of Millham.

Corporate name.

Constituted a body corporate.

2. *And be it enacted*, That the inhabitants of the township of Millham are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of 'The Inhabitants of the Township of Millham, in the County of Mercer, and shall be entitled to all the rights and powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the other townships in the said county of Mercer are or may be entitled or subject to by existing laws of this state, and to the provisions of any special laws in relation to the said township of Lawrence so far as the same are or can be applicable to said township of Millham when set off as aforesaid.

First town-meeting when and where to be held.

3. *And be it enacted*, That the inhabitants of the township of Millham shall hold their first town-meeting at the house of James McManus, in said township of Millham, on the day appointed for holding the annual town-meetings in the county of Mercer and thenceforward at such place in said township as the inhabitants may appoint at each prior annual town-meeting.

Township committees to meet to allot and divide property, money, &c.

4. *And be it enacted*, That the township committees of Lawrence and Millham, shall meet on the second Tuesday of April next, at ten o'clock in the forenoon, at the hotel at Princessville in said township of Lawrence, and shall then and there proceed, by writing to be signed by a majority of those present, to allot and divide between the said townships all property and money on hand or due in proportion to the taxable property and ratables as valued and assessed by the assessor within the respective limits of said townships at the last assessment; and may adjourn the said meeting from time to time, and to such time and place as a majority of those present may think proper; and the township of Millham shall be liable to pay their just proportion of the debts, if any there be

and if any of the members of the said committees shall neglect to meet as aforesaid, those present may proceed to make such division, and the decision of a majority of them shall be final and conclusive.

5. *And be it enacted*, That all paupers who may be chargeable to the said township of Lawrence at the time this act goes into operation, shall thereafter be chargeable to and supported by that township within the bounds of which they acquire their settlements respectively, or in which the paupers may reside at the time of acquiring their respective settlements.

Paupers to whom chargeable.

6. *And be it enacted*, That nothing in this act contained shall be construed so as to interfere with or impair the commissions of the justices of the peace or of the commissioners of deeds until they shall expire by their own limitation, or so as to impair or in anywise affect the right of the said township of Millham of, in and to any portion of the surplus revenue of the United States government, to which the said township may now or at any time hereafter be entitled in the distribution of the surplus revenue of its income, or so as to impair or in anywise affect the right of the said township of Millham to any portion of the state school fund to which the said township may now or at any time hereafter be entitled in the distribution of said moneys.

Act not to interfere with commissions of justices of the peace and commissioners of deeds or to affect the right to surplus revenue.

7. *And be it enacted*, That Patrick H. Clinton shall be and hereby is constituted the clerk of the township of Millham until after the first annual town-meeting of said township, and it shall be his duty as such to set up notices as required by law for holding said town meeting, together with all the usual duties of town clerk; and that at the first township election Thomas Ervin shall be the judge of election, and John J. Clancey and Samuel Tomlinson inspectors of election, and in case of the absence of one or more of them or of the township clerk the vacancy shall be filled by the electors present, as in other township elections.

Clerk of new township.

Judge and inspectors of election.

8. *And be it enacted*, That the said township of Millham shall form a part of the first assembly district of the county of Mercer.

Assembly district

9. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1882.

CHAPTER VII.

An Act for the relief of John Buckmeier.

Preamble.

WHEREAS, on the twenty-third day of February, eighteen hundred and seventy-seven, judgment final was entered in the Essex county circuit court against John Buckmeier by the name of John Backmayer, of the city of Newark, in said county, at the suit of the state of New Jersey, for the sum of three hundred dollars, besides thirty dollars and seventy-five cents, cost on suit, on account of a certain forfeited recognizance heretofore entered into by the said John Buckmeier in the said county for the appearance of Henry Huber at the court of general quarter sessions in and for said county; *and whereas*, the said John Buckmeier, subsequent to the entry of judgment as aforesaid, did deliver up into custody the said Henry Huber, who was accordingly sentenced; *and whereas*, said John Buckmeier did pay over to the prosecutor of the pleas for said county the costs aforesaid.

Clerk to enter satisfaction of judgment, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk of the county of Essex be and he is hereby directed and required to enter satisfaction of said judgment upon the record of the said circuit court, and that the said John Buckmeier be entirely freed and discharged from the payment of the same or any part thereof.

2. *And be it enacted*, That this act be deemed a public act, and shall take effect immediately.

Approved February 17, 1882.

CHAPTER XVIII.

An Act to authorize the building of a bridge over or across South Shrewsbury river, in the county of Monmouth.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the board of chosen freeholders of the county of Monmouth, to build and construct, or cause to be built and constructed, or to authorize any association of persons to build and construct, a bridge across the South Shrewsbury river, in said county of Monmouth: beginning at the end of the road or highway on land of William T. Parker, on the north side of said river, and thence to the end of the road or highway on land of William Morris and George Hance on the south side of said river: and to place in said bridge a draw or swing of at least thirty feet wide, of such construction as to impede as little as possible the navigation of the river.

Board of freeholders authorized to build and construct or authorize others to build and construct a bridge.

2. *And be it enacted*, That this act shall take effect immediately.

Passed February 22, 1882.

CHAPTER LVIII.

A Supplement to an act entitled "An act to provide for the construction of draw-bridges, by railroad or other private or public corporations, over the river Hackensack in the county of Hudson," approved March thirteenth, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement shall not be applicable to, or relate to, or include or in anywise affect any drawbridge or drawbridges which may hereafter be erected or constructed over the Hackensack river, in the county of Hudson, by any railroad corporation or corporations, for the purpose of straightening or making shorter their present line or lines of railway.

Provisions of act not to be applicable to or affect drawbridge hereafter erected or constructed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1882.

CHAPTER LXVII.

An Act authorizing and directing the treasurer of this state to surrender certain surplus revenue bonds now in his hands against the county of Gloucester, upon receiving in lieu thereof duly executed bonds from the counties of Gloucester and Camden on account of said surplus revenue fund.

WHEREAS, By an act of congress passed June twenty-third, one thousand eight hundred and thirty-six, surplus revenue of the general government amounting to thirty million dollars was apportioned among the several states according to their population, the state of New Jersey receiving the sum of seven hundred and sixty-four thousand six hundred and seventy dollars and forty-four cents ; *and whereas*, by an act of the legislature of New Jersey passed March tenth, one thousand eight hundred and thirty-seven, this amount was apportioned among the then existing counties in the ratio of the state tax paid during the previous year, the several boards of chosen freeholders being made the custodians of the funds thus distributed among the several counties, and the pledge of each county being required for the safe keeping of the fund and its repayment, if called for ; *and whereas*, under the apportionment thus authorized, the county of Gloucester received the sum of fifty-five thousand six hundred and eighty-seven dollars and two cents ; *and whereas*, by an act of the legislature of the state of New Jersey, passed March thirteenth, one thousand eight hundred and forty-four, the territory now included in the county of Camden was set off from the county of Gloucester (the new county being subject to the provisions of the act of Congress); *and*

Preamble.

whereas, the county of Gloucester paid to the authorities of the county of Camden, the proper proportion of the surplus revenue amounting to twenty-five thousand four hundred and ninety-five dollars and thirty-one cents, leaving the true balance of indebtedness on the part of the county of Gloucester to the state of New Jersey thirty thousand one hundred and ninety-one dollars and seventy-one cents ; *and whereas*, the state of New Jersey holds three several bonds of the county of Gloucester, amounting to fifty-five thousand six hundred and eighty-seven dollars and two cents, the county of Camden not having given bonds as required by law for the amount of surplus revenue paid to said county, thus leaving the county of Gloucester under obligations to the state amounting to twenty-five thousand four hundred and ninety-five dollars and thirty-one cents, for which it is not justly chargeable ; therefore, in order to grant equitable and legal relief to the county of Gloucester,

Treasurer to deliver bonds to county collector.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby authorized and directed to deliver to the collector of the county of Gloucester, the bonds of that county now in his hands for the said surplus revenue, upon receiving in lieu thereof, the obligations of the said county of Gloucester, for the sum of thirty thousand one hundred and ninety-one dollars and seventy-one cents, and the obligations of the county of Camden for twenty-five thousand four hundred and ninety-five dollars and thirty-one cents, which obligations shall be in the manner and form prescribed by "An act making provisions for the deposit and distribution of so much of surplus revenue of the United States, as now is or may hereafter be apportioned to and received by this state," passed March tenth, one thousand eight hundred and thirty-three.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1882.

CHAPTER CIII.

An Act to define, locate and establish that part of the division line between the counties of Union and Essex, which separates the township of Union, in the county of Union, from the townships of Clinton and South Orange, in the county of Essex.

WHEREAS, A dispute having arisen in respect to the true location of that part of the division line between the counties of Union and Essex, which separates the township of Union, in the county of Union, from the townships of Clinton and South Orange, in the county of Essex; *and whereas*, the line hereinafter particularly described has been, ever since the county of Union was formed, adopted by the residents of both counties in the neighborhood as the true line, and they having voted, worked roads, recorded deeds, mortgages and other papers, proved wills, &c., &c, with reference thereto; *and whereas*, any change in the line so practically located would injuriously affect the title to large tracts of land and would otherwise create confusion and work damage; therefore,

1. **BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey*, That the said division line shall be and the same is hereby located, defined and established as follows, to wit: Beginning in the middle of the lower road leading from Elizabeth to Newark, at a small bridge near the southerly line of Evergreen cemetery; thence running northerly in a straight course to a brown stone monument marked "U. C." and "E. C.", near the west-erly line of the upper road leading from Elizabeth to Newark; thence in a straight line northwesterly to a stake in the easterly line of the road leading past the house of Jonathan Winans, Jr., said stake being thirty-five feet six inches southerly from the most northerly corner

of Mrs. Phebe Grummons' land (and the most westerly corner of Thomas Chandler's land); thence in the same course northwesterly thirteen hundred and fifty feet to a stake in land formerly belonging to O. S. Halstead, deceased; thence westerly in a straight line to a stake in the southeasterly line of the Harbor road, said stake standing one hundred and forty-seven feet northeasterly from the most westerly corner of Jotham Brown's land (and the most northerly corner of Nathaniel Compton's land); thence westerly in a straight line to a stake in the southeasterly side of the road leading from Springfield to Orange, said stake standing in the most northerly corner of Wickliff Headley's land; thence in the same course westerly to the Rahway river.

Line to be monumented and the expense by whom paid.

2. *And be it enacted*, That the said line as described in the first section of this act shall be substantially monumented as soon as practicable at the joint expense of the said counties of Union and Essex.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 17, 1882.

CHAPTER CVI.

An Act to change the name of the township of Matavan, in the county of Monmouth, to the township of Matawan.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township now known and designated as the township of Matavan, in the county of Monmouth, shall hereafter be known and designated as the township of Matawan; and that all the powers and duties now existing in such township, under any general or special acts, shall be continued under the new name as aforesaid, the same as if the name of the township had not been changed. Name of township changed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1882.

CHAPTER CXXIX.

An Act to change the lines of the township of Eastampton, in the county of Burlington.

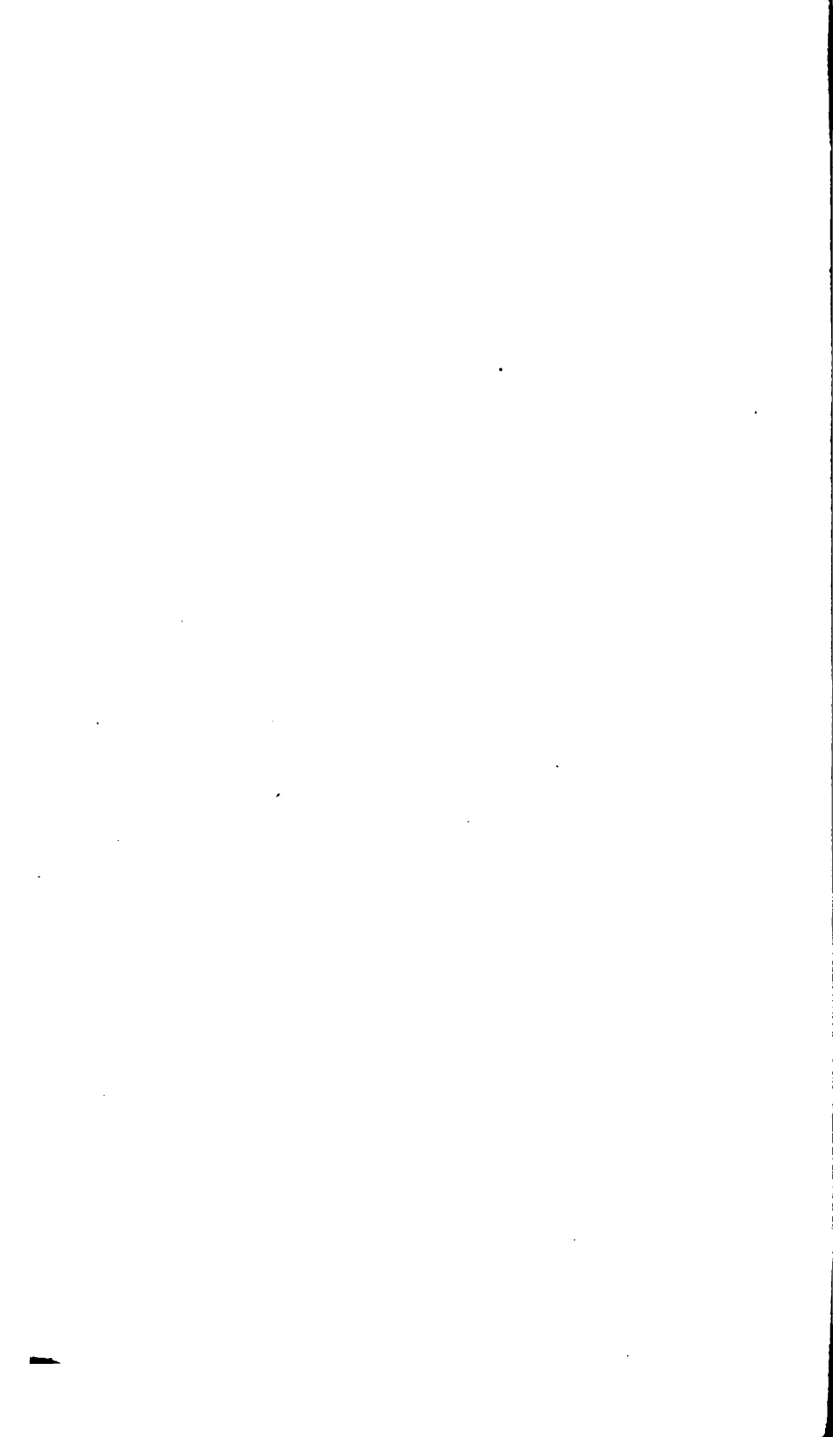
1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the following parts of the townships of Lumberton and Southampton shall be annexed to the township of Eastampton, in the county of Township lines changed.

Burlington : beginning at the point where the Camden and Burlington County Railroad crosses the line between the townships of Lumberton and Eastampton ; thence directly to the northwest corner of Aaron Willetts' land, following the west line of said Willetts' land south, directly to the lines between Hezekiah B. Smith's and the farm known as the Stiles farm ; thence directly south, on the same lines between said Smith and Stiles, to the southeast corner of said Smith's land, to the railroad as above mentioned ; thence along said railroad, east to the Ewanville road ; thence north, on the line of said public road, to the southwest corner of Eastampton, is hereby annexed and shall become a part of the said township of Eastampton.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1882.

PRIVATE ACTS.



PRIVATE LAWS

PASSED BY THE

ONE HUNDRED AND SIXTH LEGISLATURE.

CHAPTER V.

An Act to change the name of "The Trustees of the First Presbyterian Congregation of Freehold, in the county of Monmouth," to "The First Presbyterian Church of the County of Monmouth," and to confirm all conveyances heretofore made to or by said corporate body by either of said names.

WHEREAS, An act of the legislature of this state, entitled "An Act to change the name of the First Presbyterian Congregation of Freehold to the First Presbyterian Church of the County of Monmouth, and to authorize the trustees thereof to assess sums of money as a tax or rent on the pews of their church," approved March sixteenth, one thousand eight hundred and fifty-nine, does not seem to have been approved at the annual meeting of the congregation of said church, and a certificate thereof, filed in the office of the secretary of state, as in said act directed and required; *and whereas*, said corporate body has, since the passage of said act, sometimes used said title of "The First Presbyterian Church of the County of

Preamble.

Monmouth," and has made and accepted conveyances of real estate by said title ; therefore,

Corporate name changed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of "The Trustees of the First Presbyterian Congregation of Freehold, in the County of Monmouth," be and the same is hereby changed to "The First Presbyterian Church of the County of Monmouth;" and that all conveyances and other instruments in writing made to and by, and all acts done heretofore by said corporate body in and by either of the aforesaid names or designations, since the sixteenth day of March, eighteen hundred and fifty-nine, are hereby ratified and confirmed, and shall be valid and effectual forever.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1882.

CHAPTER XI.

An Act to authorize the conveyance to the "Ladies' Hospital Association, of the city of Paterson," of the right, title and interest of the state of New Jersey, in and to certain lands in the city of Paterson.

Preamble.

WHEREAS, The state of New Jersey was formerly possessed of certain waste lands in the city of Paterson, which were appraised by commissioners appointed by the state, at fifty dollars per acre, and even at that price found but few purchasers ; *and whereas*, in the year one thousand eight hundred and thirty-eight, the legislature passed an act entitled "An act authorizing the sale of part of the state lands at Paterson

for cemeteries," and in pursuance of the provisions of that act the attorney-general of the state did, in the name and on behalf of the state, grant, bargain, sell and convey unto "The Trustees of the First Particular Baptist Church of Paterson," a tract of three acres of said state lands, for the consideration of one hundred and fifty dollars, being the full appraised value of said lands at that time, said deed being dated February thirteenth, one thousand eight hundred and forty-four, and is recorded in the office of the clerk of Passaic county, in book G of deeds, on pages four hundred and ninety-seven and four hundred and ninety-eight, the premises conveyed being described in said deed as follows: "beginning on the southeasterly side of Seely street, at the distance of three hundred and nine feet six inches southwesterly from Market, in the most westerly corner of a lot conveyed by the state of New Jersey to John Parke, running thence, one, southeasterly parallel with Market street, four, hundred and fifty feet to Dickerson street; two, southwesterly along Dickerson street, two hundred and nineteen feet to Centre street; three, westerly along Centre street, four hundred and seventy-two feet eleven inches to Seely street; four, northeasterly along Seely street, three hundred and sixty-four feet six inches to the beginning, containing three acres, strict measure;" and *whereas*, the said deed also declared that said land and premises were conveyed "for the use of a cemetery, and for no other purpose," but contained no penalty of forfeiture or reversion; and *whereas*, but a small portion of said land and premises has ever been used for a cemetery, and the said trustees of the said church have for many years past refused to sell any more lots in said tract for burial purposes, believing a cemetery at said location to be injurious to the further growth of the city of Paterson in that neighborhood, and did, by deed dated the first day of November, in the year one thousand eight hundred and eighty-one, for the consideration of one dollar, convey unto "The Ladies' Hospital Association of the City of Paterson," the hereinbefore described premises, excepting so much thereof as the said trustees had theretofore conveyed to other

parties; *and whereas*, the said "The Ladies' Hospital Association of the City of Paterson" is desirous of acquiring the absolute fee to said land and premises in order to have, possess and enjoy the same without the reservation contained in the said deed from the state of New Jersey to the said trustees of said church, to wit, the reservation and restriction "for the use of a cemetery, and for no other purpose;" and said association desires to have the right to improve and occupy said land and premises, as far as possible, without interfering with the rights of others, in the manner that shall seem to it best; *and whereas*, this would seem to be more conducive to the public welfare than to allow the said land and premises to lie, as at present, a barren waste and an eyesore to the residents in the neighborhood; and the interest of the state of New Jersey in and to said land and premises is of the remotest kind and of the most trifling value; therefore,

Attorney-general
authorized to
execute deed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the attorney-general of the state of New Jersey be and he is hereby authorized to execute unto "The Ladies' Hospital Association of the City of Paterson" a good and sufficient deed in the law, conveying unto said association all the right, title and interest of the state of New Jersey in and to the tract of three acres of land and premises, situate in the city of Paterson, county of Passaic, and state of New Jersey, and described as follows: beginning on the southeasterly side of Seely street, at the distance of three hundred and nine feet six inches southwesterly from Market, in the most westerly corner of a lot conveyed by the state of New Jersey to John Parke, running thence, first, southwesterly parallel with Market street four hundred and fifty feet to Dickerson street; second, southeasterly along Dickerson street two hundred and nineteen feet to Centre street; third, westerly along Centre street four hundred and seventy-two feet eleven inches to Seely street; fourth, northeasterly along Seely street three hundred and sixty-four feet six inches to the beginning, containing three acres, strict measure; the consideration to be named in said deed from the state to said association shall be the full and fair value of the right, title and interest of the state so conveyed, and which shall be fixed and deter-

Consideration by
whom and how
fixed and deter-
mined.

mined by the governor of the state, the comptroller and the state treasurer, for the time being.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 17, 1882.

CHAPTER XIV.

An Act to authorize "The Minard Home of Morristown" to sell and convey certain real estate and to surrender its charter.

WHEREAS, a petition has been presented to the legislature by "The Minard Home of Morristown" and Dayton A. Minard, Mortimer M. Southworth and Levi F. Bowen, executors and trustees of the estate of Abel Minard, deceased, representing that said Abel Minard, in his lifetime, conveyed certain lands and premises located in Morristown, New Jersey, to one Edmund S. Janes, upon certain trusts and conditions in said deed particularly set forth and described; and that said Edmund S. Janes afterwards conveyed the same lands and premises to said "The Minard Home of Morristown" upon substantially the same trusts; that the purpose of said trusts was to establish a home for certain orphans in said deeds specified, and that said "The Minard Home of Morristown" was incorporated to carry out said trusts; that the experience of several years has shown that the intentions of the founder of said trust cannot be successfully carried out, and the attempt to do so is burdensome and useless; that in case of the forfeiture of said grants the legal title of said trust property would revert to the executors and

trustees of said Abel Minard, and that the said petitioners have united in asking that said property may be sold and conveyed so that a perfect title may vest in the purchaser or purchasers thereof, and that the charter of said "The Minard Home of Morristown" may be surrendered;

Executors and trustees authorized to sell lands and premises.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said "The Minard Home of Morristown" and Dayton A. Minard, Mortimer M. Southworth and Levi F. Bowen, executors and trustees under the will of Abel Minard, deceased, be and they are hereby authorized to sell at public or private sale, and convey by good and sufficient deed of conveyance, all the land and premises conveyed by Abel Minard to Edmund S. Janes, located in Morristown, New Jersey, and by said Edmund S. Janes conveyed to said "The Minard Home of Morristown," and that a deed of conveyance made and executed jointly by said corporation and said executors and trustees shall convey to the grantee or grantees a perfect title in fee-simple to said land and premises, freed and discharged from all trusts; and that the proceeds of such sale be paid over to said executors and trustees and distributed by them according to the directions of the will of said Abel Minard, deceased.

Upon execution and delivery of deed corporation dissolved.

2. *And be it enacted*, That the execution and delivery of said deed by said "The Minard Home of Morristown," shall be considered as a surrender of its charter and operate as a dissolution of the corporation.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 21, 1882.

CHAPTER XLV.

An Act to release the title and interest of the people of the state of New Jersey, in and to certain real estate, of which Joseph T. Clark died seized, in the city of Beverly.

WHEREAS, Joseph T. Clark, late of the city of Beverly, Burlington county, New Jersey, departed this life in the month of August, one thousand eight hundred and sixty-nine, seized of two certain tracts or parcels of land, one of which was conveyed to him by Daniel Newton and wife, by deed dated February thirteenth, one thousand eight hundred and fifty-eight, and recorded at Mount Holly, in Book E, six of Deeds, page one hundred and thirty, and the other by Samuel Perkins and wife, by deed dated March twenty-second, one thousand eight hundred and fifty-eight, and recorded at Mount Holly, in Book G, six of Deeds, page five hundred and thirty-four, without having made any will, and leaving no children, brothers or sisters, or other known kindred, but leaving him surviving, his wife Margaret, who afterward intermarried with one C. L. Nathans ; *and whereas*, his said wife supposing the title to said lots or tracts of land vested in her upon the death of her said husband, sold part of said premises to John A. Cook, by deed dated June tenth, anno domini one thousand eight hundred and seventy-three, and recorded at Mount Holly, in Book U, eight of Deeds, page twenty-three, and said John A. Cook afterward sold the same to Mary E. Craythorn, by deed dated December nineteenth, one thousand eight hundred and seventy-seven, and recorded at Mount Holly, in Book R, nine of Deeds, page three hundred and fifteen, and the said widow afterwards sold the balance of said premises to Thomas F. Cain, by deed dated December fifteenth, one

Preamble

thousand eight hundred and seventy-five, and recorded at Mount Holly, in Book F, nine of Deeds, page two hundred and twenty; therefore,

Title of the state
of New Jersey
released.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the estate, right, title and interest of the people of the state of New Jersey, in, to and upon all the above recited lots or tracts of land, whereof the said Joseph T. Clark died seized, with the appurtenances thereunto belonging, or in any wise appertaining, is hereby released unto and vested in the said Mary E. Craythorn and Thomas F. Cain, the grantees of the said widow of the said Joseph T. Clark, and their heirs and assigns forever.

Approved March 4, 1882.

CHAPTER CLXXXIV.

An Act to extend the time for completion of the Hudson Tunnel Railway.

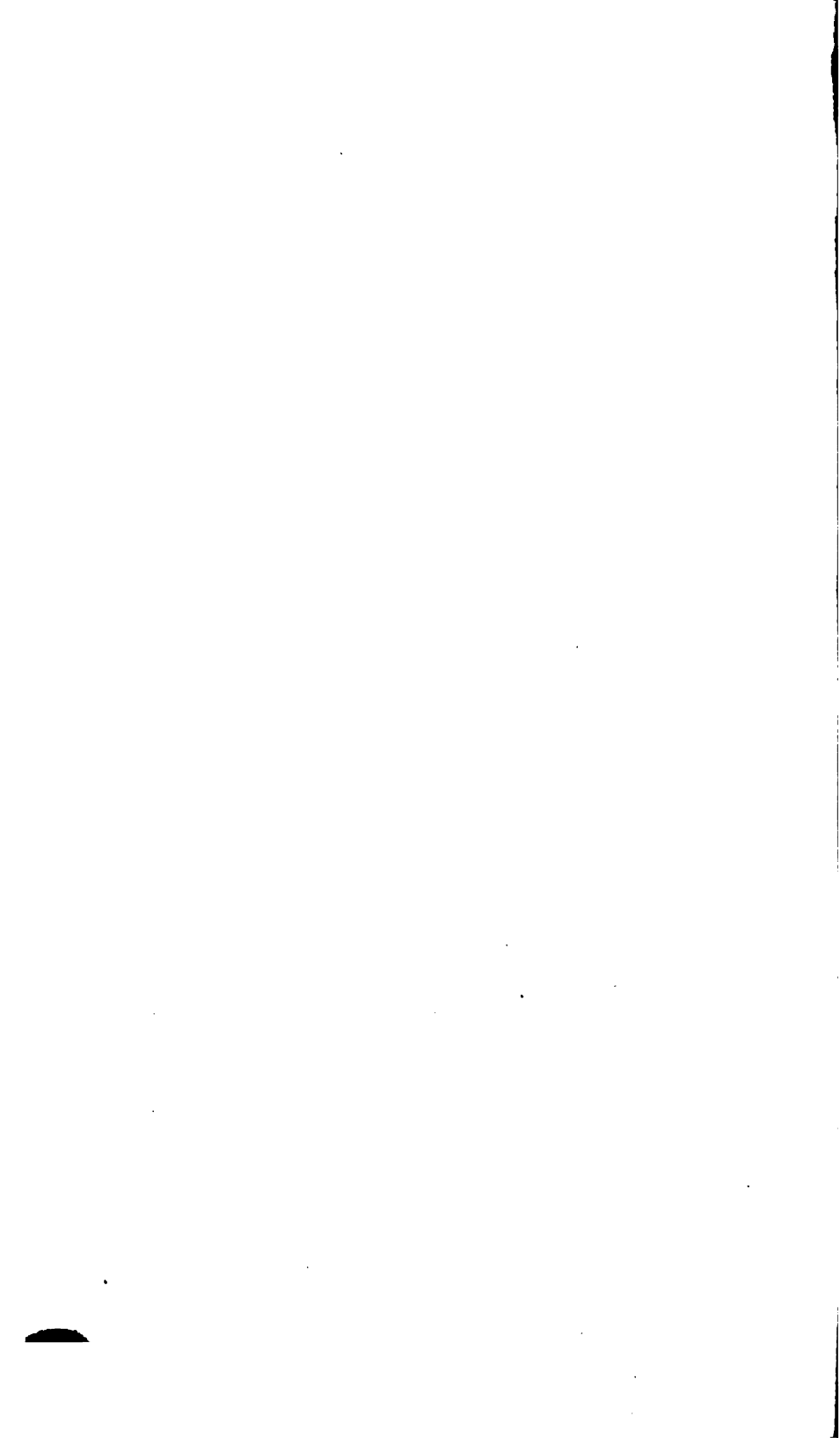
Time for comple-
tion of tunnel, &c.
extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Hudson Tunnel Railway Company, a corporation duly created and existing under and by virtue of the consolidation of companies duly incorporated and formed under the laws of the states of New Jersey and New York respectively, is hereby allowed three years from the passage of this act in which to complete its tunnel and railroad.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

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